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Human Rights Council
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Agenda item 4

Resolution adopted by the Human Rights Council on 23 March 2016

31/17. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Welcoming the adoption by the Security Council of its resolution 2268 (2016) on 26 February 2016,

Reaffirming its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Recalling the statements made by the Secretary-General and United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling also that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic, social and cultural rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent suppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilians, fuelled the escalation of armed violence and extremist groups,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, and the allegations of torture and executions based on the evidence presented by the "Caesar" report in January 2014 regarding the torture and execution of persons incarcerated by the Syrian authorities, and underscoring the need for those allegations and similar evidence to be collected, examined and made available for future accountability efforts,

Please recycle

Noting the observation of the Commission of Inquiry that the Syrian authorities have conducted enforced disappearances and widespread attacks against the civilian population as a matter of policy,

Recognizing that arbitrary detention and enforced disappearances in the Syrian Arab Republic have increasingly targeted persons belonging to communities believed to support armed groups or to be insufficiently loyal to the Government or to other parties to the conflict, which has had a traumatic impact on victims and their families,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Expressing full support for the diplomatic efforts of the Special Envoy of the Secretary-General for Syria, and stressing that rapid progress on a political solution should include full and meaningful participation by all segments of Syrian society, including women, and represents the only sustainable way to resolve the situation in the Syrian Arab Republic peacefully, consistent with Security Council resolution 2254 (2015) of 18 December 2015,

Welcoming the efforts of the United Nations Entity for Gender Equality and the Empowerment of Women to highlight the needs of women and girls and to promote their role in conflict-resolution and peacebuilding,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Welcomes* the cessation of hostilities in the Syrian Arab Republic, demands that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urges all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of those commitments, to support efforts to create conditions for a durable and lasting ceasefire, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing the systematic, widespread and gross violations and abuses of human rights and violations of humanitarian law to an end;

2. *Also welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

3. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

4. *Decides* to extend for one year the mandate of the Commission of Inquiry, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable;

5. *Requests* the Commission of Inquiry to provide an oral update during an interactive dialogue at the thirty-second session of the Human Rights Council and to present a written updated report during the interactive dialogue at the thirty-third and thirty-fourth sessions;

6. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

7. *Stresses* the importance of efforts to sustain the Cessation of Hostilities that came into force on 27 February 2016 and the delivery of humanitarian assistance, and of the full implementation of Security Council resolutions 2178 (2014) of 24 September 2014, 2199 (2015) of 12 February 2015, 2249 (2015) of 20 November 2015, 2253 (2015) of 17 December 2015, 2254 (2015) and 2268 (2016);

8. *Strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front or other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization;

9. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Daesh), in particular the enslavement and sexual abuse of women and girls, enforced disappearances and the forced recruitment and abduction of children;

10. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children, and persons with disabilities, and urges all parties to the conflict not to commit indiscriminate attacks against the civilian population and civilian objects, including against medical facilities and schools as such, to comply with their obligations under international humanitarian law and to respect international human rights law;

11. *Strongly condemns* the widespread practice of enforced disappearance and the use of sexual violence and torture, especially in detention centres, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, notes that such acts may constitute violations or abuses of international human rights law or violations of international humanitarian law, condemns the denial of medical services in all prisons and detention facilities, recognizes the permanent damage from torture to victims and their families, and calls for the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees and for the Syrian authorities to publish a list of all detention facilities;

12. *Also strongly condemns* all enforced disappearance and arbitrary detention by the Syrian authorities and all parties to the conflict, and demands the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

13. *Welcomes* the fact that the Joint Investigative Mechanism, which was established by the Security Council in its resolution 2235 (2015) of 7 August 2015 to identify those involved in the use of any toxic chemical, such as chlorine or any other chemical, as a weapon in the Syrian Arab Republic, became fully operational in November 2015, and calls upon all parties in the Syrian Arab Republic to extend their full cooperation to the Joint Investigative Mechanism and the fact-finding mission and the declaration assessment team of the Organization for the Prohibition of Chemical Weapons, and

underscores the importance of seeking accountability for those responsible for violations of international humanitarian law in this context;

14. *Reiterates its condemnation in the strongest terms* of any use of any toxic chemical, such as chlorine, as a weapon in the Syrian Arab Republic, and recalls the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors;[1]

15. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), in which the Council strongly condemned the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, and demanded the immediate end of these practices;

16. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

17. *Condemns* the destruction of the structures of civilian life as a result of the conflict, and calls upon all parties to comply fully with their obligations under international law, including the obligation to distinguish military from civilian objectives, and, accordingly, to refrain from deliberately targeting civilians and to put an end to all indiscriminate and disproportionate attacks;

18. *Also condemns* the Syrian authorities' use of heavy weapons, cluster munitions and aerial bombardments, including any indiscriminate use of ballistic missiles and barrel bombs, and attacks against civilian infrastructure, including medical facilities;

19. *Condemns in the strongest terms* the increasing number of mass casualty incidents, including any which may constitute a war crime, taking place in the Syrian Arab Republic, and requests the Commission of Inquiry to continue to investigate all such acts;

20. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

21. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

22. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

23. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, and the organized looting and trafficking of its cultural property, as outlined by the Security Council in its resolution 2199 (2015);

24. *Also strongly condemns* the reported forced displacement of the population in the Syrian Arab Republic and the alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities related to these actions, including any activities that may amount to crimes against humanity;

[1] See Security Council resolution 2235 (2015).

25. *Calls upon* the international community to support the leadership and full participation of women in all efforts aimed at finding a political solution to the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2254 (2015);

26. *Recalls* that the International Criminal Court was established to help to end impunity for such crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

27. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

28. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

29. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bring about reconciliation and sustainable peace;

30. *Reaffirms* its commitment to international efforts to find a political solution to the Syrian crisis that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens are equal, regardless of gender, religion and ethnicity;

31. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

32. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

33. *Welcomes* the initiative of the United Kingdom of Great Britain and Northern Ireland, Germany, Norway and Kuwait to co-host the London conference on 4 February 2016, which raised new funding to meet the immediate and long-term needs of those affected by the Syrian crisis, and calls upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to fulfil all previous pledges;

34. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, including to hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015 and 2268 (2016), and calls upon Member States to fund fully the United Nations appeals;

35. *Takes note* of those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

36. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation, in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016);

37. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

38. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the General Assembly submit the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its briefings to members of the Security Council, and recommends the continuation of future briefings;

39. *Also decides* to remain seized of the matter.

63rd meeting
23 March 2016

[Adopted by a recorded vote of 27 to 6, with 14 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Côte d'Ivoire, El Salvador, France, Georgia, Germany, Ghana, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Algeria, Bolivia (Plurinational State of), China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Burundi, Congo, Ecuador, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Namibia, Nigeria, Philippines, South Africa, Viet Nam]

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Agenda item 4

Resolution adopted by the Human Rights Council on 23 March 2016

31/18. Situation of human rights in the Democratic People's Republic of Korea

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Recalling all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 28/22 of 27 March 2015 and Assembly resolution 70/172 of 17 December 2015, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and annexes thereto,

Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea,[1] which was welcomed by both the Human Rights Council and the General Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,

Deeply concerned at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, and at the impunity of perpetrators, as described in the report of the commission of inquiry,

[1] A/HRC/25/63.

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Concerned that the precarious humanitarian situation in the country is exacerbated by the failure of the Government of the Democratic People's Republic of Korea to provide humanitarian agencies with free and unimpeded access to all populations in need and by its national policy priorities that, among others, prioritize military spending over citizens' access to food,

Reaffirming that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly,

Recognizing that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence,

Acknowledging the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 of the 268 recommendations contained in the outcome of the review and its stated commitment to implement them and to look into the possibility of implementing a further 58 recommendations, and emphasizing the importance that the Democratic People's Republic of Korea accept and implement the recommendations in order to address the grave human rights violations in the country,

Recognizing the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies,

Noting the importance of the issue of international abductions and of the immediate return of all abductees, taking note of the outcome of the government-level consultation between the Democratic People's Republic of Korea and Japan in May 2014, on the basis of which the Democratic People's Republic of Korea commenced investigations on all the Japanese nationals, and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

Welcoming the panel discussion on the situation of human rights in the Democratic People's Republic of Korea, including the issue of international abductions, enforced disappearances and related matters, held during the thirtieth session of the Human Rights Council,

Noting the importance of inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the Democratic People's Republic of Korea,

Welcoming the resumption of the reunions of separated families across the border in October 2015, and, given that this is an urgent humanitarian concern of the entire Korean people, owing, in particular, to the advanced age of many members of the separated families, hoping that necessary arrangements for confirming the fate of family members, exchanging letters, visiting their hometowns and holding further reunions on a larger scale and a regular basis will be made by the Democratic People's Republic of Korea, the Republic of Korea and members of the Korean diaspora,

Reaffirming the importance of States engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and other mechanisms of the Council, for the improvement of their situation of human rights,

1. *Condemns in the strongest terms* the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed in the Democratic People's Republic of Korea, and expresses its grave concern at the detailed findings made by the commission of inquiry in its report, including:

(*a*) The denial of the right to freedom of thought, conscience and religion, and of the rights to freedom of opinion, expression and association, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful State surveillance that permeates the private lives of all citizens;

(*b*) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth, and also includes consideration of political opinions and religion, discrimination against women, including unequal access to employment, discriminatory laws and regulations, and violence against women;

(*c*) Violations of all aspects of the right to freedom of movement, including forced assignment to State-designated places of residence and employment, often based on the *songbun* system, and denial of the right to leave one's own country;

(*d*) Systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition;

(*e*) Violations of the right to life and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave forms of sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons, and the widespread practice of collective punishment with harsh sentences imposed on innocent individuals;

(*f*) Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

2. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge the human rights violations in the country and to take immediate steps to end all such violations and abuses through, inter alia, the implementation of relevant recommendations in the report of the commission of inquiry, including, but not limited to, the following steps:

(*a*) To ensure the right to freedom of thought, conscience and religion, and the rights to freedom of opinion, expression and association, including by permitting the establishment of independent newspapers and other media;

(*b*) To end discrimination against citizens, including State-sponsored discrimination based on the *songbun* system, and to take immediate steps to ensure gender equality and to protect women from gender-based violence;

(*c*) To ensure the right to freedom of movement, including the freedom to choose one's place of residence and employment;

(*d*) To promote equal access to food, including through full transparency regarding the provision of humanitarian assistance so that such assistance is genuinely provided to vulnerable persons;

(*e*) To immediately halt all human right violations relating to prison camps, including the practice of forced labour, to dismantle all political prison camps and to release all political prisoners, to immediately cease the practice of the arbitrary execution of persons in custody, and to ensure that justice sector reforms provide protections for a fair trial and due process;

(*f*) To resolve the issue of all persons who have been abducted or otherwise forcibly disappeared, and their descendants, in a transparent manner, including by ensuring their immediate return;

3. *Reiterates its deep concern* at the commission's findings concerning the situation of refugees and asylum seekers returned to the Democratic People's Republic of Korea, and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhumane and degrading treatment, sexual violence, enforced disappearance or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat humanely those who seek refuge and to ensure unhindered access to the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights with a view to protecting the human rights of those who seek refuge, and once again urges State parties to comply with their obligations under international human rights law and the Convention relating to the Status of Refugees and the Protocol thereto in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments;

4. *Stresses and restates its grave concern* about the commission's finding that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades; these crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

5. *Stresses* that the authorities of the Democratic People's Republic of Korea have failed to prosecute those responsible for crimes against humanity and other human rights violations, and encourages the members of the international community to cooperate with accountability efforts and to ensure that these crimes do not remain unpunished;

6. *Welcomes* General Assembly resolution 70/172, in which the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for acts that the commission has stated may constitute crimes against humanity;

7. *Also welcomes* the decision of the Security Council to hold a second Council meeting on 10 December 2015, following the one held in December 2014, during which the situation of human rights in the Democratic People's Republic of Korea was discussed, and looks forward to the continued and active engagement of the Council on this matter;

8. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of his mandate despite the lack of access to the country;

9. *Welcomes* the report of the Special Rapporteur submitted to the Human Rights Council at its thirty-first session,[2] in which the Special Rapporteur called upon the Council to establish a group of independent experts on accountability;

[2] A/HRC/31/70.

10. *Recalls* the findings and recommendations of the commission of inquiry on human rights in the Democratic People's Republic of Korea, and requests the United Nations High Commissioner for Human Rights to designate, for a period of six months, a maximum of two existing independent experts in support of the work of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea to focus on issues of accountability for human rights violations in the country, in particular where such violations amount to crimes against humanity, as found by the commission of inquiry;

11. *Requests* the group of independent experts on accountability, taking into account existing international law and prevailing State practices with regard to accountability:

(*a*) To explore appropriate approaches to seek accountability for human rights violations in the Democratic People's Republic of Korea, in particular where such violations amount to crimes against humanity, as found by the commission of inquiry;

(*b*) To recommend practical mechanisms of accountability to secure truth and justice for the victims of possible crimes against humanity in the Democratic People's Republic of Korea, including the International Criminal Court;

12. *Decides* to extend the mandate of the Special Rapporteur of the situation of human rights in the Democratic People's Republic of Korea, in accordance with Human Rights Council resolution 28/22, for a period of one year;

13. *Calls again upon* all parties concerned, including United Nations bodies, to consider implementation of the recommendations made by the commission of inquiry in its report in order to address the dire situation of human rights in the Democratic People's Republic of Korea;

14. *Welcomes* the establishment by the Office of the High Commissioner of a field-based structure in Seoul to strengthen the monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, to ensure accountability, to provide the Special Rapporteur with increased support, to enhance the engagement and capacity-building of the Governments of all States concerned, civil society and other stakeholders, and to maintain the visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives;

15. *Also welcomes* the report of the High Commissioner on the role and achievements of the Office with regard to the situation of human rights in the Democratic People's Republic of Korea submitted to the Human Rights Council at its thirty-first session,[3] and invites the High Commissioner to provide regular updates on the issue to the Council;

16. *Calls upon* all States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, that it has sufficient resources and that it is not subjected to any reprisals or threats;

17. *Requests* the Office of the High Commissioner to report on its follow-up efforts in the regular annual report of the Secretary-General submitted to the General Assembly on the situation of human rights in the Democratic People's Republic of Korea;

18. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his or her mandate,

[3] A/HRC/31/38.

including on the follow-up efforts made in the implementation of the recommendations of the commission of inquiry;

19. *Also requests* the Special Rapporteur to include the report of the group of independent experts on accountability as an annex to his/her report to the Council at its thirty-fourth session;

20. *Acknowledges* that the Special Rapporteur held a dialogue with the representatives of the Democratic People's Republic of Korea in New York on 27 October 2014, and urges the Government of the Democratic People's Republic of Korea, through continuous dialogues, to invite and to cooperate fully with the Special Rapporteur, to give the Special Rapporteur and supporting staff unrestricted access to visit the country, and to provide them with all information necessary to enable them to fulfil such a mandate, and also to promote technical cooperation with the Office of the High Commissioner;

21. *Encourages* the United Nations system, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations to develop constructive dialogue and cooperation with special procedure mandate holders, including the Special Rapporteur, and the field-based structure of the Office of the High Commissioner;

22. *Encourages* all States, the United Nations Secretariat, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to take forward those recommendations;

23. *Encourages* all States that have relations with the Democratic People's Republic of Korea to use their influence to encourage it to take immediate steps to end all human rights violations, including by closing political prison camps and undertaking profound institutional reforms;

24. *Requests* the Secretary-General to provide the Special Rapporteur and the Office of the High Commissioner with regard to the field-based structure with all the assistance and adequate staffing necessary to carry out the mandate effectively, and to ensure that the mandate holder receives the support of the Office of the High Commissioner;

25. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action.

63rd meeting
23 March 2016

[Adopted without a vote.]

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Agenda item 4

Resolution adopted by the Human Rights Council on 23 March 2016

31/19. Situation of human rights in the Islamic Republic of Iran

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling its resolutions 16/9 of 24 March 2011, 19/12 of 3 April 2012, 22/23 of 22 March 2013, 25/24 of 28 March 2014 and 28/21 of 27 March 2015, General Assembly resolution 70/45 of 17 December 2015 and all previous resolutions of the Assembly on the situation of human rights in the Islamic Republic of Iran, and regretting the lack of cooperation of the Islamic Republic of Iran with the requests of the Human Rights Council and the Assembly made in those resolutions,

Welcoming the report and recommendations of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran submitted to the Human Rights Council,[1] and expressing serious concern at the developments noted in that report and the lack of access permitted to the Special Rapporteur to travel to the Islamic Republic of Iran,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that mandate holders are to discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of his mandate to the Human Rights Council at its thirty-fourth session and to the General Assembly at its seventy-first session;

[1] A/HRC/31/69.

Please recycle

2. *Calls upon* the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country, and to provide all information necessary to allow the fulfilment of the mandate;

3. *Requests* the Secretary-General to provide the Special Rapporteur with the resources necessary to fulfil the mandate.

63rd meeting
23 March 2016

[Adopted by a recorded vote of 20 to 15, with 11 abstentions.* The voting was as follows:

In favour:

Albania, Belgium, Botswana, El Salvador, France, Germany, Latvia, Mexico, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Saudi Arabia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland

Against:

Algeria, Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Ecuador, India, Indonesia, Kenya, Kyrgyzstan, Russian Federation, South Africa, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Congo, Côte d'Ivoire, Ethiopia, Ghana, Maldives, Mongolia, Morocco, Namibia, Nigeria, Philippines, Togo]

* The delegation of Georgia did not cast a vote.

United Nations

A/HRC/RES/31/20

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Human Rights Council
Thirty-first session
Agenda item 4

Resolution adopted by the Human Rights Council on 23 March 2016

31/20. Situation of human rights in South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights,

Recalling Human Rights Council resolution 29/13 of 2 July 2015, in which the Council requested the Office of the United Nations High Commissioner for Human Rights, inter alia, to undertake a comprehensive assessment of allegations of violations and abuses of human rights and to recommend appropriate follow-up action,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 18/17 of 29 September 2011, 21/28 of 28 September 2012, 23/24 of 14 June 2013 and 26/31 of 27 June 2014 on technical assistance and capacity-building for South Sudan in the field of human rights and the President's statement PRST 25/2 of 28 March 2014,

Recalling all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development,

Recalling also Security Council resolutions 1809 (2008) of 16 April 2008, 2033 (2012) of 12 January 2012, 2206 (2015) of 3 March 2015, 2223 (2015) of 28 May 2015, 2241 (2015) of 9 October 2015 and 2252 (2015) of 15 December 2015 and the statements by its President S/PRST/2014/16 of 8 August 2014, S/PRST/2014/26 of 15 December 2014 and S/PRST/2015/9 of 24 March 2015,

Deeply concerned by the allegations of human rights violations and abuses in the reports of the Secretary-General on South Sudan, the reports of the United Nations Mission in South Sudan dated 21 February 2014, 8 May 2014, 19 December 2014, 9 January 2015

and 4 December 2015, and the reports of the United Nations High Commissioner for Human Rights,[1]

Deeply concerned also about the prevailing situation in South Sudan, which is marked by the atrocities committed since the outbreak of violence in December 2013, acute food insecurity, a deepening economic crisis and the dire humanitarian crisis, producing mass displacements within South Sudan and outside the country, access restrictions and other impediments to humanitarian assistance, while commending humanitarian agencies for their continued assistance to the affected populations, and urging all actors concerned to cooperate fully with humanitarian agencies,

Noting with grave concern the conclusions of the United Nations Mission in South Sudan in its reports dated 8 May 2014 and 4 December 2015 that the violations and abuses of human rights and the violations of international humanitarian law that have been committed may constitute war crimes and crimes against humanity,

Gravely concerned about the increase in sexual and gender-based violence and instances of conflict-related rape and gang rape, coupled with beating and abductions, as reported by the Secretary-General to the Security Council in February 2016,[2]

Expressing grave concern at the new trend of wholesale destruction of villages, indiscriminate targeting of civilians and health-care facilities, attacks on places of worship, the attack on the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal, the continued obstruction and extortion of humanitarian assistance convoys and the wholesale looting and destruction of humanitarian compounds in the Greater Pibor Administrative Area, Unity and Upper Nile States and Juba,

Condemning in the strongest terms the violence which erupted in the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal on 17 and 18 February 2016, and emphasizing the inviolability and sanctity of the United Nations compound,

Underlining that attacks against civilians and United Nations premises may constitute war crimes,

Expressing concern that civilians who sought safety in the protection-of-civilians site of the United Nations Mission in South Sudan have been attacked, killed, traumatized and displaced, and that serious damage was caused to the entire site, including to medical clinics and schools, which were burned down and destroyed,

Recalling that the protection of civilians in South Sudan is a responsibility of the Government of South Sudan,

Urging all parties to the conflict in South Sudan to protect civilians and allow safe and immediate humanitarian access,

Emphasizing that mediation can play an important role in the peaceful settlement of disputes, conflict resolution and prevention, including the prevention of human rights violations and abuses,

Expressing particular concern at the reduction of democratic space in South Sudan, including through the heightened restrictions on freedom of expression, peaceful assembly and association, including attacks on journalists and media workers, and limitations on the operations of civil society and the media, and in this regard noting with concern that the

[1] See A/HRC/31/49 and A/HRC/31 CRP.6, which were made publicly available only after the start of the thirty-first session of the Human Rights Council on 11 March 2016.

[2] S/2016/138.

recently signed bills on non-governmental organizations and the Relief and Rehabilitation Commission could disrupt international and national non-governmental organizations, including those that provide ongoing humanitarian assistance, and stressing the responsibilities of a transitional Government of national unity to address these issues in accordance with the Agreement on the Resolution of the Conflict in the Republic of South Sudan,

Welcoming the signing of the Agreement and the leading role that the Intergovernmental Authority on Development played to mediate the Agreement, and calling on all parties to fully implement the Agreement and abide by the ceasefire,

Welcoming also the report of the African Union commission of inquiry on South Sudan, and emphasizing its hope that this and other credible reports will be considered by any transitional justice mechanisms for South Sudan, including those provided for in the Agreement,

Recognizing that accountability and transitional justice can be important elements in a national reconciliation process and in implementing the Agreement, including by addressing issues of reparation, truth-seeking and non-recurrence,

Welcoming the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity, reiterated condemnation of the violence and abuses committed by armed actors in South Sudan, agreed to the establishment of an independent hybrid court and supported the establishment of a commission for truth, reconciliation and healing consistent with the Agreement and, in this regard, inviting the Chairperson of the African Union Commission to take all steps necessary to establish these bodies,

Underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

Expressing concern that the situation in South Sudan continues to be characterized by impunity,

1. *Condemns* the ongoing human rights violations and abuses and violations of international humanitarian law in South Sudan, including those involving alleged targeted killings, ethnically targeted violence, rape and other forms of sexual and gender-based violence, the recruitment and use of children, arbitrary arrests and detention, alleged torture, arbitrary denial of humanitarian access and attacks on schools, places of worship, hospitals and United Nations and associated peacekeeping personnel, by all parties, also condemns the harassment and violence directed at civil society, humanitarian personnel and journalists, and emphasizes that those responsible for violations and abuses of human rights and violations of international humanitarian law must be held accountable;

2. *Demands* that all actors put a halt to all human rights violations and abuses and all violations of international humanitarian law, and strongly calls upon the Government of South Sudan, as well as the transitional Government of national unity, once formed, to ensure the protection and promotion of human rights and fundamental freedoms;

3. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights assessment team dated 11 March 2016 and takes note of the recommendations contained therein;

4. *Also welcomes* the signing, under the auspices of the Intergovernmental Authority on Development, of the Agreement on the Resolution of the Conflict in the Republic of South Sudan;

5. *Further welcomes* the establishment of the Joint Monitoring and Evaluation Commission and the appointment of the former President of Botswana, Festus Mogae, as its Chair;

6. *Recognizes* the important role of the Joint Monitoring and Evaluation Commission in monitoring and overseeing implementation of the Agreement and its ceasefire provisions, and urges all parties and international partners to constructively engage with the Commission and other bodies created by the Agreement;

7. *Welcomes* the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity and reiterated its condemnation of the violence and abuses committed by armed actors in South Sudan;

8. *Calls upon* all local, regional and international partners to collaborate with and support the processes aimed at achieving the implementation of a sustainable peace;

9. *Urges* the speedy formation of an inclusive transitional Government of national unity to ensure full implementation of the Agreement, and stresses that perpetrators of violations of international humanitarian law, human rights violations and abuses, including any that amount to war crimes or crimes against humanity, should be held accountable;

10. *Recognizes* the important contribution of the Joint Monitoring and Evaluation Commission in working with the parties towards the establishment of a transitional Government of national unity and urges continued support from all relevant domestic and international stakeholders for their efforts;

11. *Calls upon* the Government of South Sudan, as well as the transitional Government of national unity, once formed, to investigate all human rights violations and abuses and violations of international humanitarian law, and to hold those responsible to account, while affording fair trial protections to the accused and supporting victims and protecting potential witnesses, before, during and after legal proceedings;

12. *Urges* the Government of South Sudan, as well as the transitional Government of national unity, once formed, to take steps immediately to protect the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations and to, among other things, ensure that members of civil society organizations and the media can operate freely and without intimidation;

13. *Strongly urges* all parties to end and prevent human rights violations and abuses committed against children, and calls upon all parties to end immediately the unlawful recruitment of children and to release all children that have been unlawfully recruited to date;

14. *Recognizes* the important role that women play in building peace, calls for the protection and promotion of the rights of women, their empowerment and participation in peacebuilding, conflict resolution and post-conflict processes, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, including Council resolution 2242 (2015) of 13 October 2015;

15. *Supports* the establishment of transitional justice institutions, including an independent hybrid court and a commission for truth, reconciliation and healing, consistent with the Agreement, and in this regard calls for the establishment of these bodies without delay and calls upon all parties to fully cooperate with them;

16. *Expresses serious concern* about the lack of progress made by the Government of South Sudan in improving the promotion and protection of human rights,

especially in the areas outlined in paragraphs 14 and 15 of Human Rights Council resolution 29/13;

17. *Calls upon* the Government of South Sudan to cooperate fully and constructively with the Office of the United Nations High Commissioner for Human Rights and the United Nations Mission in South Sudan, as well as regional, subregional, and international mechanisms on the ground;

18. *Decides* to establish a Commission on Human Rights in South Sudan, composed of three members, for a period of one year, renewable as authorized by the Human Rights Council, with the following mandate:

(*a*) To monitor and report on the situation of human rights in South Sudan and make recommendations for its improvement;

(*b*) To assess past reports on the situation of human rights since December 2013 in order to establish a factual basis for transitional justice and reconciliation;

(*c*) To provide guidance on transitional justice, accountability, reconciliation and healing, as appropriate, and — once the transitional Government of national unity is fully formed, operational and commits to ending the violence against the civilian population and to cooperating with the hybrid court for South Sudan — to make recommendations on technical assistance to the transitional Government of national unity to support transitional justice, accountability, reconciliation and healing;

(*d*) To engage with other international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan, the African Union and its African Commission on Human and Peoples' Rights, the Joint Monitoring and Evaluation Commission Chair and civil society, with a view to providing support to national, regional and international efforts to promote accountability for human rights violations and abuses;

19. *Requests* the immediate operationalization of the mandate and the appointment of the Commission on Human Rights in South Sudan by the President of the Human Rights Council as soon as possible and no later than by the conclusion of the thirty-second session of the Council;

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the full administrative, technical and logistical support needed to enable the Commission on Human Rights in South Sudan to carry out its mandate;

21. *Acknowledges* that the Government of South Sudan has committed to cooperating with the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing all the meetings and information relevant and requested to support the fulfilment of the mandate;

22 *Requests* that representatives of the Office of the United Nations High Commissioner for Human Rights, the African Union, the Joint Monitoring and Evaluation Commission, the African Commission on Human and People's Rights and other stakeholders, as appropriate, be invited to discuss the human rights situation in South Sudan and steps taken by the Government to ensure accountability for human rights violations and abuses in an enhanced interactive dialogue at the thirty-second session of the Human Rights Council;

23. *Requests* the Commission on Human Rights in South Sudan to present a comprehensive written report, in an interactive dialogue, to the Human Rights Council at its thirty-fourth session;

24. *Requests* that the reports of the Commission on Human Rights in South Sudan be submitted to the Human Rights Council and then shared with the General Assembly and the African Union;

25. *Decides* to remain seized of the matter.

63rd meeting
23 March 2016

[Adopted without a vote.]

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Agenda item 3

Resolution adopted by the Human Rights Council on 24 March 2016

31/21. Human rights education and training

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Reaffirming the call of the World Conference on Human Rights, held in Vienna in 1993, on all States and institutions to include human rights, humanitarian law, democracy and rule of law in the curricula of all learning institutions, and its statement that human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights,

Reaffirming also the United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in its resolution 66/137 on 19 December 2011, and that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms, and that every individual and every organ of society should strive by teaching and education to promote respect for human rights and fundamental freedoms,

Recalling General Assembly resolution 59/113A of 10 December 2004, in which the Assembly proclaimed the World Programme for Human Rights Education as an international effort under the auspices of the United Nations to advance the implementation of human rights education in all sectors, and all previous resolutions of the Human Rights Council on human rights education and training,

Recalling also the 2005 World Summit Outcome, in which Heads of State and Government supported the promotion of human rights education and learning at all levels, including through the implementation of the World Programme for Human Rights Education, as appropriate, and encouraged all States to develop initiatives in that regard,

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Convinced that human rights education is a long-term and lifelong process by which everyone learns tolerance and respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Recalling General Assembly resolution 70/254 of 12 February 2016,

Believing that human rights education and training is essential to the effective realization of human rights and fundamental freedoms and contributes significantly to promoting equality, preventing conflict and human rights violations and abuses, and enhancing participation and democratic processes with a view to developing societies in which all human beings are valued and respected, without discrimination or distinction of any kind, such as race, colour, sex, language, religion, political, or other opinion, national or social origin, property, birth or other status,

Believing also that human rights education and training can play an important role in promoting the rule of law, democracy, good governance and sustainable peace,

Recognizing that human rights education and training, especially for youth, can contribute to the promotion of inclusive and tolerant societies, thereby favouring the progressive realization of all human rights,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] including Goal 4, target 7 thereof, and of the Education 2030 Framework for Action,[2] and affirming the interlinkages and integrated nature of all Sustainable Development Goals and targets,

1. *Calls upon* States to take appropriate measures to ensure the effective implementation of and follow-up to the United Nations Declaration on Human Rights Education and Training, including by making available the necessary resources and promoting universal respect and understanding thereof;

2. *Encourages* States and all other stakeholders to strengthen the implementation of the World Programme for Human Rights Education, including its third phase;

3. *Welcomes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization in advancing human rights education and training globally, including through the promotion of national implementation of the World Programme for Human Rights Education, methodological and training support, capacity-building and technical assistance, and urges them to step up collaboration with States, upon request, in order to build their capacity for human rights education and training;

4. *Encourages* the Office of the High Commissioner, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to support the implementation of 2030 Agenda for Sustainable Development, including Goal 4, target 7 thereof;

5. *Affirms* the importance of education, including human rights education and training, as a tool to help to prevent terrorism and violent extremism, as well as racial and religious intolerance, genocide, war crimes, ethnic cleansing and crimes against humanity worldwide, and recognizing the catalytic role of education, including human rights

[1] General Assembly resolution 70/1.

[2] Adopted on 4 November 2015 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-eighth session.

education and training, in helping to ensure stability and sustainable peace, human rights, social justice, diversity, gender equality and environmental sustainability;

6. *Underlines* the necessity to strengthen international cooperation and coordination in order to advance human rights education and training as a necessary tool for the promotion and protection of human rights;

7. *Appreciates* the work done by the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to collect and develop educational materials on human rights education and training, including through regional centres, and to provide access to online educational materials, including through the Office's resource collection on human rights education and training and the Organization's clearinghouse on global citizenship education;

8. *Encourages* the Office of the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to further collect and provide access to educational materials on human rights education and training, including through the use of online platforms and information and communications technology;

9. *Welcomes* the initiative by the Secretary-General on preventing violent extremism which, inter alia, calls for education to include teaching respect for human rights and diversity, fostering critical thinking, promoting media and digital literacy, and developing the behavioural and socioemotional skills that can contribute to peaceful coexistence and tolerance;

10. *Appreciates* the work of the United Nations Educational, Scientific and Cultural Organization undertaken in cooperation with Member States to promote human rights education and training through the strategy on global citizenship education, in line with the Global Education First Initiative of the Secretary-General and Goal 4, target 7 of the 2030 Agenda for Sustainable Development;

11. *Recognizes* the important role of national human rights institutions in promoting effective policies on human rights education and training, and calls upon them to contribute further to the implementation of human rights education programmes;

12. *Also recognizes* the important role of civil society, including non-governmental organizations, in promoting and providing human rights education and training;

13. *Decides* to convene at its thirty-third session a high-level panel discussion to mark the fifth anniversary of the United Nations Declaration on Human Rights Education and Training, on the theme "The implementation of the United Nations Declaration on Human Rights Education and Training: good practices and challenges", and requests the Office of the High Commissioner to prepare a summary report of the high-level panel discussion and to submit it to the Human Rights Council by its thirty-fifth session.

64th meeting
24 March 2016

[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 24 March 2016

31/22. The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Declaration on the Right to Development, the Vienna Declaration and Programme of Action and other relevant human rights instruments,

Recalling General Assembly resolutions 60/251 of 15 March 2006, 62/219 of 22 December 2007 and 65/281 of 17 June 2011, and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 11/11 of 18 June 2009 and 16/21 of 25 March 2011,

Recalling also General Assembly resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001, 57/244 of 20 December 2002, 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/1 of 16 September 2005, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/1 of 22 September 2010, 65/169 of 20 December 2010, 67/192 of 20 December 2012, 68/195 of 18 December 2013, 68/309 of 10 September 2014 and 69/199 of 18 December 2014,

Recalling further Human Rights Council resolutions 17/23 of 17 June 2011, 19/38 of 23 March 2012, 22/12 of 21 March 2013, 25/9 of 27 March 2014 and 28/5 of 26 March 2015,

Reaffirming the commitments of States parties to the United Nations Convention against Corruption thereunder, recognizing that the Convention is aimed at promoting and strengthening measures to prevent and combat corruption more efficiently and effectively, and that the return of assets is one of the main objectives and a fundamental principle of the said Convention, and that States parties are obligated to accord one another the widest measure of cooperation and assistance in this regard,

Reiterating the commitment to ensure the effective enjoyment of all civil, political, economic, social and cultural rights for everyone, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Reaffirming that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law, and that in no case may a people be deprived of its own means of subsistence,

Recognizing that respect for and adherence to the principles of transparency, accountability and participation are critical factors in ensuring prudent use of returned illicit funds,

Recognizing also that fighting corruption at all levels is a priority and that flows of funds of illicit origin deprive Governments, in particular in developing countries, of resources required to progressively realize human rights, including economic, social and cultural rights, and in particular the right to development, in such a way that threatens the stability and sustainable development of States, undermines the values of democracy, the rule of law and morality and jeopardizes social, economic and political development, especially when an inadequate national and international response leads to impunity,

Recalling the United Nations Convention against Corruption, underlining its central role in fostering international cooperation to combat corruption and to facilitate the repatriation of the proceeds of corruption-related crimes, and stressing the need for universal adherence to the Convention and for its full implementation, and the full implementation of the resolutions and decisions of the Conference of the States Parties to the Convention, particularly those adopted at its fourth and fifth sessions,

Recalling also that the United Nations Convention against Corruption underlines that States parties should not decline to render mutual legal assistance, pursuant to the Convention, including on the ground of bank secrecy, and in accordance with the domestic law of the requested State,

Noting with concern that financial systems characterized by high levels of financial secrecy combined with low tax rates can play a role in attracting various kinds of illicit funds in a way that can lead to depriving countries of resources required to realize human rights, and to jeopardizing social, economic and political development,

Concerned that the relative amount of wealth from developing countries held abroad is much greater than that from developed countries, and that a significant amount of that wealth held offshore may involve illicit funds,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1] and the inclusion therein of target 16.4, which underlines the commitment of States to significantly reduce by 2030 illicit financial and arms flows, to strengthen the recovery and return of stolen assets and to combat all forms of organized crime,

Welcoming also the adoption by the Third International Conference on Financing for Development, held in Addis Ababa in July 2015, of the Addis Ababa Action Agenda,[2] which underlined, in particular, that measures to curb illicit financial flows will be integral to achieving sustainable development,

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[1] General Assembly resolution 70/1.

[2] General Assembly resolution 69/313.

Affirming that making progress on the implementation of targets 16.4, 16.5 and 16.6 of the 2030 Agenda for Sustainable Development will make an important contribution not only to achieving various other goals included in the Agenda but also to the enjoyment of human rights, in particular economic, social and cultural rights,

Welcoming the convening of an experts meeting on the issue of the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, pursuant to Human Rights Council resolution 28/5,

Taking note of the work carried out by different United Nations bodies, including the United Nations Office on Drugs and Crime, and international and regional organizations in preventing and combating all forms of corruption,

Bearing in mind that the prevention and eradication of corruption is a responsibility of all States, and that States should cooperate with one another, in accordance with the United Nations Convention against Corruption, with the support and involvement of other stakeholders,

Encouraging all relevant United Nations mechanisms to continue their consideration of the negative impact of illicit financial flows on the enjoyment of human rights, to further explore policy responses to the phenomenon and to coordinate their efforts in this regard,

Recognizing that supportive domestic legal systems are essential in preventing and combating corrupt practices and the transfer of assets of illicit origin and in returning such assets, and recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to take efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III thereof,

Appreciating the continued efforts of the Conference of the States Parties to the United Nations Convention against Corruption, through its various intergovernmental working groups, to oversee the review process of the implementation of the Convention, to advise on the provision of technical assistance for building institutional and human capacity in States parties for the prevention of corruption, and to enhance international cooperation, including in the repatriation of funds of illicit origin,

Taking note with appreciation of the Lausanne process initiative on practical guidelines for efficient asset recovery, developed by 30 States parties in close collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, which are aimed at providing effective and coordinated approaches to asset recovery for practitioners from requesting and requested States.

Affirming the responsibilities of requesting and requested States in the repatriation of funds of illicit origin, cognizant that countries of origin must seek repatriation as part of their duty to ensure the application of the maximum available resources to the full realization of all human rights for all, including the right to development, address human rights violations and combat impunity, and that recipient countries, on the other hand, have a duty to assist and facilitate repatriation, including through judicial assistance, as part of their obligation of international cooperation and assistance under chapters IV and V of the United Nations Convention against Corruption and in the field of human rights,

Recalling that the repatriation of funds of illicit origin requires the close and transparent coordination and cooperation of requesting and requested States, including between competent authorities, in particular the judicial authorities, within the shared responsibility to facilitate efficient international cooperation for the prompt recovery of assets of illicit origin,

Concerned at the difficulties, in particular the practical difficulties, that both requested and requesting States face in the repatriation of funds of illicit origin, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulties of providing information establishing a link between the proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases may be difficult to prove, bearing in mind that everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law,

Recognizing that States continue to face challenges in recovering funds of illicit origin owing to, inter alia, differences in legal systems, the complexity of multijurisdictional investigations and prosecutions, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of funds of illicit origin, noting the particular challenges in recovering them in cases involving individuals who are or have been entrusted with prominent public functions and their family members and close associates, and recognizing that legal difficulties are often exacerbated by factual and institutional obstacles,

Asserting the urgent need to repatriate illicit funds to the countries of origin without conditionalities, in accordance with the United Nations Convention against Corruption and the commitments made at the 2005 World Summit and the 2010 high-level plenary meeting of the General Assembly on the Millennium Development Goals to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and urging all States to step up their efforts to trace, freeze and recover those funds,

Noting the particular concern of developing countries and countries with economies in transition regarding the need to return assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V thereto, so as to enable countries to design and fund development projects in accordance with their national priorities in view of the importance that such assets can have to their sustainable development,

1. *Takes note with appreciation* of the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development prepared by the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;[3]

2. *Welcomes* the report of the High-level Panel on Illicit Financial Flows from Africa, which highlighted the gravity of the problem of illicit financial flows in the continent, ranging from $50 billion to $60 billion a year;

3. *Calls upon* all States that have not yet acceded to the United Nations Convention against Corruption to consider doing so as a matter of priority;

4. *Urges* requesting and requested States to cooperate to recover the proceeds of corruption, in particular, embezzled public funds, stolen assets and unaccounted-for assets, including those that are found in safe havens, and to demonstrate strong commitment to ensuring the return or disposal of such assets, including their return to the countries of origin;

5. *Calls upon* all States to consider enacting legislation to address offences by business enterprises, including multinational corporations, that deprive Governments of

[3] A/HRC/31/61.

legitimate domestic sources of revenue for the implementation of their development agendas, in compliance with their international obligations, including international human rights law;

6. *Also calls upon* all States to seek to reduce opportunities for tax avoidance, to consider inserting anti-abuse clauses in all tax treaties and to enhance disclosure practices and transparency in both source and destination countries, including by seeking to ensure transparency in all financial transactions between Governments and companies to relevant tax authorities;

7. *Asserts* the urgent need to repatriate illicit funds to the countries of origin without conditionalities, taking into account due process, to strive to eliminate safe havens that create incentives for transfer abroad of stolen assets and illicit financial flows, and to strengthen regulatory frameworks at all levels;

8. *Encourages* requested State parties to respond to requests for assistance and to adopt such measures as may be necessary to enable them to provide a wider scope of assistance, pursuant to article 46 of the United Nations Convention against Corruption in the absence of dual criminality;

9. *Calls upon* all States to consider waiving or reducing to the barest minimum reasonable expenses deducted when recovering assets, particularly when the requesting State is a developing country, bearing in mind that the return of illicitly acquired assets contribute to the promotion of sustainable development;

10. *Acknowledges* the importance of full compliance with international human rights law in relation to the repatriation of funds of illicit origin;

11. *Invites* the Conference of the States Parties to the United Nations Convention against Corruption to consider ways of adopting a human rights-based approach in the implementation of the Convention, including when dealing with the repatriation of funds of illicit origin, and appreciates the continued efforts of the Open-ended Intergovernmental Working Group on Asset Recovery of the Conference to assist States parties in fulfilling their obligations under the Convention to prevent, detect and deter in a more effective manner the international transfer of funds of illicit origin and to strengthen international cooperation in asset recovery;

12. *Notes with appreciation* the Stolen Assets Recovery Initiative of the World Bank Group and the United Nations Office on Drugs and Crime, and encourages coordination among existing initiatives;

13. *Notes* the importance of the International Monetary Fund and the World Bank publishing estimates of the volume and composition of illicit financial flows on an annual basis to monitor progress in implementing target 16.4 of the Sustainable Development Goals on illicit financial flows;

14. *Calls upon* States to continue to consider the establishment of an intergovernmental working group on the negative impact of illicit financial flows on the enjoyment of human rights, and to explore further policy responses to the phenomenon;

15. *Realizes* that, while illicit financial outflows from the least developed countries may account for only a small portion of all outflows of funds of illicit origin worldwide, they have a particularly negative impact on social development and the realization of social, economic and cultural rights in these countries, given the size of their economies;

16. *Underscores* that the repatriation of funds of illicit origin would provide States that are undergoing a democratization process with a further opportunity to improve

the realization of economic, social and cultural rights and to fulfil their obligation to meet the legitimate aspirations of their peoples;

17. *Acknowledges* the important role that civil society can play in exposing corruption and drawing attention to the negative impact of the non-repatriation of funds of illicit origin on the rule of law and the realization of economic, social and cultural rights, and reiterates in this context the obligation of States to protect reporting persons in accordance with article 33 of the United Nations Convention against Corruption and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;

18. *Welcomes* national initiatives to adopt anti-money-laundering legislation as an important step in the fight against corruption and the willingness demonstrated by some States to cooperate in facilitating the repatriation of funds of illicit origin, and calls for more robust regulations in this regard, including through the implementation of policies aimed at reducing the flow of funds of illicit origin, ensuring their repatriation and the provision of technical assistance to developing countries;

19. *Encourages* all States to share best practices in the freezing and recovery of funds of illicit origin;

20. *Calls for* further international cooperation through, inter alia, the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, in accordance with the principles of the United Nations Convention against Corruption, and in this regard encourages close cooperation at the national and international levels between anti-corruption agencies, law enforcement agencies and financial intelligence units;

21. *Calls upon* all States requested to repatriate funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, in accordance with the United Nations Convention against Corruption, and to make every effort to achieve the repatriation of funds of illicit origin to the countries of origin in order to diminish the negative impact of non-repatriation, including on the enjoyment of human rights, in particular economic, social and cultural rights in the countries of origin by, inter alia, lowering the barriers imposed on requiring jurisdictions at the tracing stage and enhancing cooperation in this regard between competent agencies, in particular taking into account the risks of dissipation of those funds and, where appropriate, by delinking confiscation measures from a requirement of conviction in the country of origin;

22. *Calls upon* all States requesting the repatriation of funds of illicit origin to uphold fully their commitment to make the fight against corruption a priority at all levels and to curb the illicit transfer of funds, and to apply the principles of accountability, transparency and participation in the decision-making process regarding the allocation of repatriated funds to the realization of economic, social and cultural rights in order to improve prevention and detection procedures, correct identified weaknesses or mismanagement, prevent impunity, provide effective remedies directed at creating conditions for avoiding new human rights violations and improve the overall administration of justice;

23. *Reaffirms* that it is the obligation of the State to investigate and prosecute corruption, calls upon all States to strengthen criminal proceedings directed at freezing or restraining funds of illicit origin, and encourages requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests, and in this context encourages requested States to provide information on legal frameworks and procedures to the requesting State and to remove barriers to asset recovery, including by simplifying their legal procedures;

24. *Underlines* that there is also a corporate responsibility to comply with and respect all applicable laws and human rights, and a need for greater access to effective remedies by victims in order to realize effective prevention of, and remedy for, business-related human rights harm, as set out in the Guiding Principles on Business and Human Rights;

25. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on best practices, practical experience and the lessons learned from past cases, while being mindful to seek to add value by building upon existing work in this area;

26. *Encourages* States parties to consider, where appropriate, and in accordance with national law, the opportunity of referring to the draft Lausanne guidelines for efficient recovery of stolen assets in their practice;

27. *Stresses* the need for transparency in financial institutions and effective due diligence measures to be applied by financial intermediaries, calls upon States to seek appropriate means in accordance with their international obligations to ensure the cooperation and responsiveness of financial institutions to foreign requests to freeze and recover funds of illicit origin and the provision of an efficient mutual legal assistance regime to States requesting repatriation of those funds, and encourages the promotion of human and institutional capacity-building in that regard;

28. *Recalls* the importance of the mechanism for the review of implementation of the United Nations Convention against Corruption, and urges States parties to comply with their obligations in the conduct of country reviews to enhance effective implementation of the Convention as a preventive measure for the outflow of illicit financial flows;

29. *Invites* the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, to continue to consider the impact of illicit financial flows on the enjoyment of human rights as part of the mandate;

30. *Requests* the Advisory Committee of the Human Rights Council to conduct a comprehensive research-based study on the impact of flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, including economic, social and cultural rights, with a special emphasis on the right to development, with a view to compiling relevant best practices and main challenges, and to make recommendations on tackling those challenges based on the best practices in question, and to present a progress report on the requested study to the Human Rights Council at its thirty-sixth session for its consideration;

31. *Also requests* the Advisory Committee to seek, if necessary, further views and the input of Member States, relevant international and regional organizations, the United Nations High Commissioner for Human Rights and relevant special procedures, national human rights institutions and non-governmental organizations in order to finalize the above-mentioned study, taking into account, inter alia, the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

32. *Requests* the United Nations High Commissioner for Human Rights to provide all assistance and financial resources necessary to allow the Independent Expert to carry out the mandate set out in the present resolution, and calls upon all relevant

stakeholders, including States and United Nations bodies and agencies, and other international and regional entities to cooperate fully with the Independent Expert in this regard;

33. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and the forums dealing with the issue of the repatriation of funds of illicit origin within the United Nations system for consideration and necessary action and coordination as appropriate, particularly within the context of the Conference of the States Parties to the United Nations Convention against Corruption;

34. *Decides* to continue its consideration of this matter under the same agenda item.

64th meeting
24 March 2016

[Adopted by a recorded vote of 32 to 0, with 15 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mongolia, Morocco, Namibia, Nigeria, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Albania, Belgium, France, Georgia, Germany, Latvia, Mexico, Netherlands, Panama, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland]

United Nations

A/HRC/RES/31/23

General Assembly

Distr.: General
8 April 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 24 March 2016

31/23. Promoting human rights through sport and the Olympic ideal

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments,

Recalling also the relevant provisions of the key international human rights treaties, in particular article 31 of the Convention on the Rights of the Child, articles 1 and 30 of the Convention on the Rights of Persons with Disabilities and articles 10 (g) and 13 (c) of the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling further the resolutions adopted by the General Assembly on the issue of sport and Olympic Games, in particular its resolutions 67/17 of 28 November 2012, 68/9 of 6 November, 69/6 of 31 October 2014 and 70/4 of 26 October 2015, the latter on building a peaceful and better world through sport and the Olympic ideal, in which the Assembly recognized the valuable contribution of sport in promoting education, development, peace, cooperation, solidarity, fairness, social inclusion and health at the local, regional and international levels, and noted that, as declared in the 2005 World Summit Outcome,[1] sports can contribute to an atmosphere of tolerance and understanding among peoples and nations,

Reaffirming its previous resolutions on the issue of sport and human rights, in particular resolutions 13/27 of 26 March 2010, 18/23 of 30 September 2011, 24/1 of 26 September 2013, 26/18 of 26 June 2014 and 27/8 of 25 September 2014,

Noting that the Olympic Charter, among its fundamental principles of Olympism, stipulates that every individual must have the possibility of practising sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play,

[1] General Assembly resolution 60/1.

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Recognizing the potential of sport as a universal language that contributes to educating people on the values of respect, dignity, diversity, equality, tolerance and fairness as a means to combat all forms of discrimination and to promote social inclusion for all,

Recognizing also that sport and major sporting events can be used to promote awareness, understanding and the application of the Universal Declaration of Human Rights,

Recognizing further the imperative need to engage women and girls in the practice of sport, and to enhance, to this end, their participation in sporting events at the national and international levels,

Acknowledging the potential of sport and major sporting events to educate the youth of the world and to promote their inclusion through sport practiced without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity,

Noting the Fundamental Principles of Olympism as enshrined in the Olympic Charter,

Acknowledging the joint endeavours of the International Olympic Committee, the International Paralympic Committee, the Office of the Special Adviser to the Secretary-General on Sport for Development and Peace and the United Nations system in such fields as human development, poverty alleviation, humanitarian assistance, health promotion, HIV and AIDS prevention, child and youth education, gender equality, peacebuilding and sustainable development,

Acknowledging also the importance of the Youth Olympic Games in inspiring youth through integrated sports and cultural and educational experiences, and noting in this regard the successful conclusion of the Second Youth Winter Olympic Games, held in Lillehammer, Norway, from 12 to 21 February 2016,

Reaffirming the need to combat discrimination and intolerance where they occur, within and outside the sporting context,

Recognizing that sport, the Olympic and Paralympic Games, and other international major sporting events, such as the International Federation of Association Football World Cup, can be used to promote human rights and strengthen universal respect for them, thus contributing to their full realization,

Acknowledging the valuable contribution that the appeal by the International Olympic Committee for an Olympic Truce, also known as *ekecheiria*, could make towards advancing the purposes and principles of the Charter of the United Nations,

Acknowledging also the very important role of the media in the promotion and popularization of sport and in raising public awareness of the merits of practicing it as a key element of a healthy lifestyle, thus contributing to the enjoyment of the highest attainable standard of physical and mental health,

Acknowledging further that the media should be encouraged to report on how sport can translate into respect for human rights and promote social cohesion and acceptance of diversity and the values of sport, including integrity, teamwork, excellence, respect, tolerance, fair play and friendship,

Welcoming the hosting of the Olympic and Paralympic Games in the cities of Rio de Janeiro, PyeongChang, Tokyo and Beijing in 2016, 2018, 2020 and 2022 respectively, and stressing the opportunity to promote human rights, especially through sport and the Olympic ideal,

Recognizing the potential of sport and major sporting events in contributing to the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development[2] to fostering peace and sustainable development, and to the inclusion of persons with disabilities and the promotion of non-discrimination, taking into account the need to address and prevent improper practices of stakeholders engaged in the organization and preparation of sports events, which may lead to human rights violations and abuses and negatively affect the economic, social and environmental spheres,

Recalling the designation of 6 April as the International Day of Sport for Development and Peace, and encouraging the celebration of this day,

Being aware of the need to actively involve sport and the Olympics in achieving the full and equal enjoyment of all human rights by persons with disabilities, and respect for their inherent dignity, recognizing efforts made by the hosting countries to create a barrier-free environment for persons with disabilities, and stressing the need to continue to build on efforts made at the 2014 Winter Olympic Games in Sochi and the 2014 International Federation of Association Football World cup in Brazil,

Recognizing the need to reflect more thoroughly on the value of relevant principles enshrined in the Olympic Charter and good sporting example in achieving the universal respect for realization of all human rights,

Recognizing also the need to support the independence and autonomy of sport and to preserve integrity in sports in all aspects, through good governance of sport executive bodies and the effective and impartial implementation of anti-corruption, anti-doping and other relevant regulations, without prejudice to the human rights of athletes,

1. *Takes note with appreciation* of the final report of the Advisory Committee on the possibilities of using sport and the Olympic ideal to promote human rights for all and to strengthen universal respect for them,[3] and encourages States, national, regional and international sport organizations and other stakeholders to implement, as appropriate, its recommendations;

2. *Calls upon* States to cooperate with the International Olympic Committee and the International Paralympic Committee in their efforts to use sport as a tool to promote human rights, development, peace, dialogue and reconciliation during and beyond the period of the Olympic and Paralympic Games, in particular by observing the Olympic Truce;

3. *Encourages* States to promote sport as a means to combat all forms of discrimination;

4. *Invites* States and national, regional and international sports organizations to, where appropriate, implement new or strengthen existing programmes that provide more opportunities and facilitate barrier-free access to sport for all, in particular for children and youth, persons with disabilities, and women and girls, and substantially increase opportunities for women's participation and leadership in all areas of sport;

5. *Encourages* States and national, regional and international sports organizations to enhance human rights awareness and education, including the values of sport, of athletes, coaches and other sports officials;

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[2] General Assembly resolution 70/1.
[3] A/HRC/30/50.

6. *Calls upon* States to take effective measures to address vandalism and violence during and around sporting events, and to encourage national, regional and international sports organizations to contribute to that end;

7. *Welcomes* the cooperation among Member States, the United Nations and its specialized agencies, funds and programmes, the International Olympic Committee and the International Paralympic Committee to maximize the potential of sport to make a meaningful and sustainable contribution to the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, and encourages the Olympic and Paralympic movements to work closely with national, regional and international sports organizations on the use of sport for this purpose;

8. *Decides* to convene a panel discussion at its thirty-second session on the possibility of using sport and the Olympic ideal to promote human rights for all, including persons with disabilities;

9. *Also decides* to continue consideration of this issue in accordance with its programme of work.

64th meeting
24 March 2016

[Adopted without a vote.]

United Nations A/HRC/RES/31/24

General Assembly

Distr.: General
20 April 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 4

Resolution adopted by the Human Rights Council on 24 March 2016

31/24. Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolutions 28/23 of 28 March 2015 and 29/21 of 3 July 2015, and General Assembly resolution 70/233 of 23 December 2015,

Welcoming the work and the reports of the Special Rapporteur on the situation of human rights in Myanmar and the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visit to the country from 3 to 7 August 2015, and the agreement to a visit in February 2016, which was subsequently postponed,

Recalling its resolution 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the continued positive developments in Myanmar towards political and economic reform, democratization, national reconciliation, good governance and the rule of law, and the efforts made to promote and protect human rights, and, while recognizing the scale of the reform effort undertaken to date, encourages the Government to take further steps to consolidate the progress made and to address outstanding issues;

2. *Also welcomes* the peaceful and competitive conduct of the elections held on 8 November 2015 and the efforts made towards ensuring a credible electoral process, while expressing concern over a number of shortcomings and the need for continued reforms to ensure that all the people of Myanmar, inclusive of religious and ethnic minorities, including the Rohingya minority, can participate in electoral processes and have their votes fully reflected in the overall composition of the Parliament;

3. *Further welcomes* the inauguration of the new Parliament on 1 February 2016 and the election of a new President on 15 March 2016, encourages the continued smooth and undisturbed transfer of power as significant steps towards democracy, and calls

Please recycle

upon all actors to consolidate the democratic transition by bringing all national institutions, including the military, under a civilian government;

4. *Welcomes* the signing of the nationwide ceasefire agreement in October 2015, while calling for further steps towards national reconciliation, an end to violence and the pursuit of an inclusive and comprehensive national political dialogue, including efforts by the Government and the military to reach agreement with those ethnic groups that have not yet signed the ceasefire, and urging all actors to ensure effective participation of women, particularly from conflict-affected communities, in all decision-making and other activities with the objective of achieving lasting peace, and allow and facilitate rapid and unfettered humanitarian access to civilians in need throughout the country;

5. *Recalls* its serious concerns over human rights violations, including regarding the situation in Rakhine State and particularly with respect to persons belonging to religious and ethnic minorities, including the Rohingya minority, and urges the Government of Myanmar to repeal discriminatory legislative and policy measures, to lift restrictions on movement that impede access to health and education services, to intensify its efforts to address discrimination, to counter incitement to hatred and hate speech leading to violence, to promote equality, tolerance and peaceful coexistence in all sectors of society, and to address economic deprivation and displacement;

6. *Calls upon* the Government of Myanmar to take further steps to consolidate the progress made to end all remaining human rights violations, to protect the human rights of all, including of women, children and persons belonging to minorities, and to address outstanding concerns, in particular regarding the right to freedom of religion or belief and the right to freedom of expression, association and peaceful assembly, which are essential to ensure a safe and enabling environment, notably for civil society, journalists and human rights defenders who need to be recognized publicly for their instrumental role in the promotion and protection of human rights;

7. *Encourages* the Government of Myanmar to take further steps to strengthen democratic institutions, good governance and the rule of law, stresses the need for review and reform of legislation, including the Constitution, to ensure adherence with international norms and standards, and the need for a more independent, impartial and effective judiciary, and an independent and self-governing legal profession;

8. *Welcomes* the recent release of political prisoners, while urging the Government of Myanmar to fulfil its commitment unconditionally to release all political prisoners, in accordance with its obligation to ensure that no one remains in prison owing to his or her political beliefs or actions, including those recently detained or convicted, and to provide for the full rehabilitation of former political prisoners;

9. *Also welcomes* the recent steps towards the adherence to international human rights conventions, encourages the Government of Myanmar actively to consider the ratification of additional international human rights conventions and the optional protocols thereto, and calls for the full implementation of its obligations under international human rights law and international humanitarian law, and of other relevant agreements and commitments, including the commitment of the Government to open a country office of the Office of the United Nations High Commissioner for Human Rights, with a full mandate and in accordance with the mandate of the High Commissioner;

10. *Calls upon* the international community to support the national efforts made by Myanmar and its institutions to strengthen the rule of law in the country, and to continue to support the Myanmar National Human Rights Commission, through technical assistance and capacity-building programmes, with a view to enabling it to contribute effectively to the promotion and protection of human rights, in accordance with the Paris Principles;

11. *Encourages* all business enterprises, including transnational corporations and domestic enterprises, to respect human rights in accordance with the Guiding Principles on Business and Human Rights, and calls upon the Government of Myanmar and the home States of business companies operating in Myanmar to fulfil their duty to protect human rights;

12. *Welcomes* the cooperation of the Government of Myanmar with the International Labour Organization, encourages the continued implementation of the memorandum of understanding for the elimination of the use of forced labour in Myanmar and its associated action plan, and the supplementary understanding containing the forced labour complaints mechanism, also encourages further cooperation with the Office of the High Commissioner and with all United Nations special procedures, and invites the international community to support the Government of Myanmar further, including through technical assistance and capacity-building, in the fulfilment of its international human rights obligations and commitments, the advancement of democratization and economic and social development;

13. *Decides* to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar for a further period of one year, requests the Special Rapporteur to submit a progress report to the General Assembly at its seventy-first session and to the Human Rights Council in accordance with its annual programme of work, and invites the Special Rapporteur to continue to monitor the situation of human rights, to measure progress in the implementation of the recommendations made by the Special Rapporteur, including those contained in her report submitted to the Council at its thirty-first session,[1] and to work with the Government of Myanmar to identify benchmarks for progress and priority areas for technical assistance and capacity-building;

14. *Welcomes* the ongoing cooperation with the Special Rapporteur, and calls upon the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and access throughout the country;

15. *Requests* the Secretary-General and the High Commissioner to provide the Special Rapporteur with the assistance and resources necessary to enable her to discharge the mandate fully.

64th meeting
24 March 2016

[Adopted without a vote.]

[1] A/HRC/31/71.

United Nations

A/HRC/RES/31/25

General Assembly

Distr.: General
20 April 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 7

Resolution adopted by the Human Rights Council on 24 March 2016

31/25. Human rights in the occupied Syrian Golan

The Human Rights Council,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, the most recent being resolution 70/91 of 9 December 2015, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that it withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of the inadmissibility of the acquisition of territory by force, in accordance with the Charter of the United Nations and the principles of international law,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,[1] and in this connection deploring the Israeli settlements in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and the

[1] A/70/406 and Corr.1.

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relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of October 1973, and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also the previous relevant resolutions of the Commission on Human Rights and the Human Rights Council, the most recent being Council resolution 28/24 of 27 March 2015,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements, the most recent of which is the settlement campaign being conducted by the so-called Golan Regional Council under the slogan "Come to the Golan" and referred to as the "farms project", and to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;[1]

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than 29 years, and to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, including the Knesset's decision of 22 November 2010 to hold a referendum before any withdrawal from the occupied Syrian Golan and East Jerusalem, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of

the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Human Rights Council at its thirty-fourth session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its thirty-fourth session.

64th meeting
24 March 2016

[Adopted by a recorded vote of 31 to 0, with 16 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Kyrgyzstan, Maldives, Mexico, Mongolia, Morocco, Namibia, Nigeria, Panama, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Abstaining:

Albania, Belgium, Botswana, France, Georgia, Germany, Latvia, Netherlands, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland]

United Nations

A/HRC/RES/31/26

General Assembly

Distr.: General
20 April 2016

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Human Rights Council
Thirty-first session
Agenda item 9

Resolution adopted by the Human Rights Council on 24 March 2016

31/26. Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also Human Rights Council resolutions 16/18 of 24 March 2011, 19/25 of 23 March 2012, 22/31 of 22 March 2013, 25/34 of 28 March 2014 and 28/29 of 27 March 2015, and General Assembly resolutions 66/167 of 19 December 2011, 67/178 of 20 December 2012, 68/169 of 18 December 2013, 69/174 of 18 December 2014 and 70/157 of 17 December 2015,

Reaffirming further the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his or her choice and freedom, either individually or in community with others and in public or private, to manifest his or her religion or belief in worship, observance, practice and teaching,

Reaffirming also the positive role that the exercise of the right to freedom of opinion and expression and full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance, and also that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 of the International Covenant on Civil and Political Rights,

Expressing deep concern at those acts that advocate religious hatred and thereby undermine the spirit of tolerance,

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Reaffirming that terrorism, in all its forms and manifestations, cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reaffirming also that violence can never be an acceptable response to acts of intolerance on the basis of religion or belief,

Reaffirming further the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Reaffirming the positive role of human rights education and training in promoting tolerance, non-discrimination and equality,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, and any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at the growing manifestation of intolerance based on religion or belief that can generate hatred and violence among individuals from and within different nations that may have serious implications at the national, regional and international levels, and in this regard emphasizing the importance of respect for religious and cultural diversity and interfaith and intercultural dialogue aimed at promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education are an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Taking note of General Assembly resolution 68/127 on a world against violence and violent extremism, adopted by the Assembly by consensus on 18 December 2013, and welcoming the leading role of the United Nations Educational, Scientific and Cultural Organization in promoting intercultural dialogue, the work of the United Nations Alliance of Civilizations and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures, and the work of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural dialogue in Vienna, and Assembly resolution 65/5 of 20 October 2010 on World Interfaith Harmony Week, proposed by King Abdullah II of Jordan,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, including the launching of the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and taking note of the recent initiative of the chairmanship of Albania of the Committee of Ministers of the Council of Europe under the theme "United in diversity" and the initiative of the Office of the United Nations High Commissioner for Human Rights on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, and programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence, and of negative stereotyping of individuals on the basis of religion or belief, continue to rise around the world, condemns in this context any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns deeply* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

4. *Welcomes* international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief, in particular the series of experts' meetings held in Washington, D.C., London, Geneva, Doha and Jeddah, in the framework of the Istanbul Process to discuss the implementation of Human Rights Council resolution 16/18;

5. *Notes* the efforts of the Office of the United Nations High Commissioner for Human Rights and the holding of four regional workshops, in Austria, Chile, Kenya and Thailand, on separate but related issues, and the final workshop in Morocco and its outcome document, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and the recommendations and conclusions contained therein;

6. *Recognizes* that the open, public debate of ideas, and interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and convinced that continuing dialogue on these issues can help to overcome existing misperceptions;

7. *Notes* the speech given by the Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws on his call upon States to take the following actions to foster a domestic environment of religious tolerance, peace and respect by:

(*a*) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(*b*) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(*c*) Encouraging the training of government officials in effective outreach strategies;

(*d*) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter these causes;

(*e*) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(*f*) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

(*g*) Understanding the need to combat denigration and negative religious stereotyping of persons, and incitement to religious hatred, by strategizing and harmonizing actions at the local, national, region and international levels through, inter alia, education and awareness-building;

(*h*) Recognizing that the open, constructive and respectful debate of ideas, and interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

8. *Calls upon* all States:

(*a*) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

(*b*) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(*c*) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(*d*) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

9. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the High Commissioner;

10. *Calls upon* States to adopt measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

11. *Takes note* of the report submitted by the High Commissioner pursuant to Human Rights Council resolution 25/34 summarizing the contributions received from States,[1] and also takes note of the conclusions of the report based on those contributions;

12. *Stresses* the urgent need to implement all parts of the action plan outlined in paragraphs 7 and 8 above with equal focus and attention in order to address religious intolerance;

[1] A/HRC/28/47.

13. *Requests* the High Commissioner to prepare and submit to the Human Rights Council at its thirty-fourth session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 above, and views on potential follow-up measures for further improvement of the implementation of that plan;

14. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

64th meeting
24 March 2016

[Adopted without a vote.]

United Nations A/HRC/RES/31/27

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Thirty-first session
Agenda item 10

Resolution adopted by the Human Rights Council on 24 March 2016

31/27. Technical assistance and capacity-building to improve human rights in Libya

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and relevant international human rights treaties,

Confirming the primary responsibility of States to promote and protect human rights,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Libya,

Looking forward to a future for Libya based on national reconciliation, justice, respect for human rights and the rule of law,

Recalling all previous relevant Human Rights Council resolutions on Libya,

Reaffirming that those responsible for violations or abuses of human rights and violations of international humanitarian law and who commit acts of terrorism should be held accountable, and that counter-terrorism measures must be consistent with applicable international law,

Expressing concern at the impact of the security and political crisis and of terrorism on the people of Libya, including loss of life, mass displacement and its particular impact on women and children, damage to property and infrastructure, including schools and hospitals, the use of schools as military bases and shortages of medical supplies and treatment,

Expressing concern also at the impact of the security and political crises and of terrorism on migrants, in particular the increase in the number of deaths of migrants attempting to cross the Mediterranean,

Welcoming the Rome Communiqué of 13 December 2015, endorsed by the Security Council in its resolution 2259 (2015) of 23 December 2015, and the commitment of the participating Member States to provide technical, economic, security and counter-terrorism assistance to Libya,

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Expressing full support for the efforts led by the Special Representative of the Secretary-General for Libya to facilitate a Libyan-led political solution to the challenges facing Libya,

Underscoring the importance of the equal and full participation of all parts of Libyan society, including women and youth, in the political process,

1. *Welcomes* the signing on 17 December 2015 of the Libyan Political Agreement of Skhirat, Morocco, by the majority of the Libyan delegates to the political dialogue facilitated by the United Nations, and by a wide range of representatives of Libyan society, municipal leaders and heads of political parties, as an important step towards peace and reconciliation in Libya, and welcomes the endorsement in principle of the Libyan Political Agreement by the House of Representatives on 25 January 2016;

2. *Reiterates* its support for the ongoing deliberations of the security track of the political dialogue facilitated by the United Nations to finalize security arrangements, and urges existing militias and armed groups to respect the Libyan Political Agreement of 17 December 2015;

3. *Calls upon* the Government of National Accord to fully implement the political agreement, including the security arrangements, and to make progress towards arms control and the reintegration into the community of the armed groups currently operating outside government control;

4. *Emphasizes* the importance of the Government of National Accord exercising control over and safely storing arms in Libya, with the support of the international community;

5. *Condemns* all violations and abuses of human rights and violations of international humanitarian law, including those involving unlawful killings, indiscriminate shelling and attacks on civilians, abductions and assassinations, including of government officials and judges, the shelling of hospitals and the looting of property;

6. *Also condemns* all violations and abuses committed against journalists, media activists and human rights defenders, especially given their role in documenting protests and human rights violations and abuses, and restrictions on freedom of expression;

7. *Strongly urges* all parties immediately to cease violations and abuses of human rights and international humanitarian law and to engage fully in support of the Government of National Accord, in order to avert further deterioration in the humanitarian crisis suffered by Libyans as a result of the conflict and to prevent the further erosion of the sovereignty and security of Libya, and urges all leaders to declare that violations and abuses of human rights by their fighters will not be tolerated and that individuals suspected of such acts will be removed from duty;

8. *Strongly urges* the Government of Libya to investigate all violations and abuses of human rights, to hold those responsible to account and to guarantee fair trials for the accused;

9. *Calls for* those responsible for violations or abuses of international human rights law and violations and abuses against children to be held accountable, in accordance with international standards;

10. *Calls upon* the Government of Libya to increase efforts to end impunity, and takes note of its cooperation with the International Criminal Court to ensure that those responsible for violations of human rights and international humanitarian law, including attacks targeting civilians, are held accountable;

11. *Strongly condemns* practices such as abduction, hostage-taking, incommunicado detention, abuse and killings carried out by non-State armed groups, most notably the so-called Islamic State in Iraq and the Levant (Daesh), Ansar al-Sharia and other terrorist organizations in Libya, and underlines that murder, torture and severe deprivation of physical liberty in violation of international law are predicate acts that may in certain circumstances amount to crimes against humanity, while reiterating grave concern about the negative impact of the presence of Daesh and its deadly actions in Libya, neighbouring States and the region;

12. *Calls upon* all Libyans to unite in combating terrorism in the country, and urges all Member States to cooperate actively in this regard with the Government of Libya and to provide support as requested;

13. *Expresses grave concern* at the number of conflict-related detainees, including children, and at reports of torture and sexual and gender-based violence in detention centres, and calls upon the Government urgently to establish full and effective control over all detention centres in order to ensure that detainees, including foreign detainees, are treated in accordance with its international obligations, including, as applicable, those relating to fair trial guarantees and humane treatment in detention;

14. *Calls upon* the Government of Libya to promote, protect and respect the human rights of migrants, refugees and internally displaced persons, and to provide a framework for the engagement of the Office of the United Nations High Commissioner for Refugees in Libya;

15. *Expresses deep concern* at the deteriorating humanitarian situation in Libya, and calls upon the international community to provide financial support for the United Nations humanitarian response plan for Libya for the period 2015-2016 to address the needs of 2.4 million people;

16. *Calls for* rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies, their implementing partners and other humanitarian organizations, including across conflict lines and, as appropriate, across borders, in order to ensure that humanitarian assistance reaches people in need by the most direct routes;

17. *Urges* the Libyan authorities to expedite the voluntary, safe and dignified return of all persons displaced by the conflict since 2011, in accordance with applicable law;

18. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, and calls upon all parties fully to respect international law;

19. *Recognizes* the security, political and economic challenges faced by the Government of Libya, which have been exacerbated by armed conflict;

20. *Urges* the Government of Libya, the international community, the United Nations and all parties to the conflict to facilitate the full, equal and effective participation of women in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding, in line with relevant Security Council resolutions, including resolutions 1325 (2000) and 2122 (2013);

21. *Urges* the Libyan Constitutional Assembly to intensify its efforts to complete a draft constitution that protects the human rights of all, including women and members of all communities and people living under vulnerable conditions, and to ensure the participation of all members of society, including civil society organizations, as far as possible, in the process of drafting the constitution;

22. *Emphasizes* the importance of ensuring a peaceful, inclusive and sustainable democratic transition through a broad-based and inclusive national dialogue, and that, in the

context of an inclusive and credible dialogue, the Libyan people should determine the appropriate process and mechanisms for achieving justice, reconciliation, truth and accountability for gross violations and abuses committed since 2011 and under the former regime, and reparations and effective remedies for victims;

23. *Recognizes* the ongoing human rights challenges in Libya and strongly encourages the Government of Libya to increase its efforts to protect and promote human rights and prevent any violations or abuses, and in this regard calls upon the international community to provide assistance for Libyan efforts to establish the rule of law, due process and access to justice, including through capacity-building in the justice system to enable effective accountability;

24. *Also recognizes* the efforts made by States in tracing, freezing and recovering stolen assets and the importance of effective cooperation between the international community and the Libyan authorities in this regard, taking into account the potential contribution of these assets to improving security, development and the protection of human rights in Libya;

25. *Welcomes* the successful completion by Libya of, and its constructive engagement with, the universal periodic review in its two first cycles, and looks forward to the implementation of the accepted recommendations;

26. *Also welcomes* the open invitation that the Government of Libya has extended to all special procedures and looks forward to the visits of mandate holders to the country;

27. *Further welcomes* the commitment of the Government of Libya to human rights and its continued cooperation with the Human Rights Council and its mechanisms, including the wish expressed by the Government to continue its cooperation with the United Nations High Commissioner for Human Rights, and to renew its invitation for him to visit Libya, and urges the Government:

(*a*) To intensify efforts to prevent acts of torture, to investigate all allegations of torture, to hold those responsible to account, and to consider providing fair and adequate compensation for victims;

(*b*) To take immediate steps to protect freedom of expression, ensuring that the media can operate freely and without discrimination, to review the provisions of the Penal Code and other provisions that violate freedom of expression, and to abolish all Penal Code restrictions on free speech that stipulate imprisonment and the death penalty for "insults" to officials, the judiciary and the State for "slander" and for blasphemy;

(*c*) To make further progress towards the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*d*) To promote the continued operation of the National Council for Civil Liberties and Human Rights, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(*e*) To empower women and girls further, including by ensuring their full representation in politics, the police and the judiciary;

(*f*) To ensure the protection of cultural rights and freedom of religion and belief, in accordance with its international obligations;

(*g*) To take appropriate steps to help to prevent all attacks on and destruction of cultural and religious sites in violation of international law, particularly sites on the World

Cultural and Natural Heritage List of the United Nations Educational, Scientific and Cultural Organization, and to prosecute those responsible for such attacks;

(*h*) To take further steps to guarantee freedom of association and peaceful assembly, including by reviewing the articles of the Penal Code that undermine freedom of association and by adopting a law for civil society organizations that is in accordance with international standards on freedom of association, that ensures the protection of human rights defenders and that includes only legal limitations that comply with the international treaty obligations of Libya;

28. *Takes note* of the final report of the International Commission of Inquiry on Libya,[1] and encourages the Government of Libya to implement fully the recommendations contained therein;

29. *Underlines* the importance of, and the commitment of the Government of Libya to, continued human rights monitoring, assessment and evaluation in order to determine effective human rights technical assistance and capacity-building measures;

30. *Takes note with appreciation* in this regard of the report of the Office of the United Nations High Commissioner for Human Rights on the investigation by the Office on Libya presented to the Human Rights Council at its thirty-first session on violations and abuses of international human rights law that have been committed in Libya since the beginning of 2014,[2] which reported the facts and circumstances of such abuses and violations, with a view to avoiding impunity and ensuring full accountability;

31. *Urges* the Government of Libya to implement the recommendations addressed to it in the above-mentioned report, in particular those relating to the justice sector, transitional justice and criminal justice accountability measures;

32. *Requests* the Office of the High Commissioner to continue its close engagement with the United Nations Support Mission in Libya in order to provide coordinated human rights technical assistance to the Government of Libya;

33. *Requests* the High Commissioner to present an oral update to the Council at its thirty-third session during an interactive dialogue, with the participation of the Special Representative of the Secretary-General For Libya, on the situation of human rights in Libya, including steps taken by the Government of Libya towards ensuring accountability for human rights violations and abuses, in line with the present resolution, and the contribution and effectiveness of technical assistance to this end;

34. *Also requests* the High Commissioner to present a written report to the Council at its thirty-fourth session during an interactive dialogue on the situation of human rights in Libya, including on the effectiveness of technical assistance and capacity-building measures received by the Government of Libya, and an assessment of further technical support or assistance needed to implement the present resolution and the recommendations contained in the report of the Office of the High Commissioner on the investigation by the Office on Libya to address the situation of human rights in Libya;[2]

[1] A/HRC/19/68.
[2] A/HRC/31/47.

35. *Urges* the international community to support the Government of Libya in promoting and protecting the human rights of the Libyan people.

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24 March 2016

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Thirty-first session Agenda item 10

Resolution adopted by the Human Rights Council on 24 March 2016

31/28. Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012 on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of Independent Expert on the situation of human rights in Mali, and 25/36 of 28 March 2014, in which it extended the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned about the establishment of terrorist groups in the Sahel region, the continued armed attacks in the north and the spread of terrorist and other criminal activities in the central and southern parts of Mali,

Deeply concerned also about human rights violations and abuses in Mali, and about the fragile security situation and the difficulties in the redeployment of government services, which continue to hinder humanitarian access in the northern part of the country, the voluntary return of displaced people and the access of the population to basic social services,

Welcoming the signing of the Agreement on Peace and Reconciliation in Mali by all parties on 15 May and 20 June 2015, following an inclusive process led by Algeria and international mediation, and the establishment of a monitoring committee and its branches,

Welcoming also the progress made and actions taken by the Government of Mali on all aspects of the Agreement, including the establishment of a national committee for implementation,

Encouraging the presentation by the Government of Mali of a plan of action for the implementation of the Agreement, with a precise timetable,

Welcoming the holding of and the commitments made at the international conference for the economic recovery and development of Mali, held on 22 October 2015 in Paris, which contributed to keeping the international community mobilized for the implementation of the Agreement and the development of the northern regions of Mali,

Noting the commitments made by the Government of Mali during various sessions of the Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitments made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Noting further the initiation in January 2013 of an investigation by the Prosecutor of the International Criminal Court into crimes committed on the territory of Mali since January 2012, noting the transfer to the Court on 26 September 2015, in the context of this investigation, of a person suspected of war crimes, and recalling that it is important for all Malian stakeholders to lend the Court their support and cooperation,

Taking note with appreciation of the report of the Independent Expert on the situation of human rights in Mali,[1]

1. *Strongly condemns* the armed attacks and all acts of violence that have been perpetrated in Mali since the beginning of the crisis, particularly in the northern regions of the country, and the violations and abuses of human rights and violations of international humanitarian law that have been committed, in particular against women and children, and the recruitment of the latter;

2. *Reiterates* its call for an immediate halt to all such human rights violations and abuses and acts of violence, and for the strict observance of all human rights and fundamental freedoms;

3. *Calls upon* the Government of Mali to continue and to increase its efforts to protect human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

4. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali and national reconciliation to maintain a constructive dialogue and to implement fully all provisions, including those relating to the disarmament, demobilization and reintegration of former rebel fighters, the redeployment of Malian armed forces on the whole territory and decentralization;

5. *Encourages* the efforts of the Government of Mali to bring all perpetrators of human rights violations before impartial and independent courts, and its continued cooperation with the International Criminal Court;

[1] A/HRC/31/76.

6. *Reiterates* its call for an increase in the participation of women in the national reconciliation process, in conformity with relevant Security Council resolutions;

7. *Welcomes* the operationalization of the Commission for Truth, Justice and Reconciliation, and encourages the Government of Mali to ensure its full independence;

8. *Encourages* the Malian authorities and all regional and international actors to continue their efforts to consolidate the progress made in the peace and security situation in Mali;

9. *Commends in this context* the United Nations Multidimensional Integrated Stabilization Mission in Mali on its work, calls for its greater involvement in the coordination operational mechanism and the cantonment process, and calls upon all parties to continue to coordinate fully their actions with the Mission, in particular for the implementation of the peace agreement;

10. *Requests* all parties to ensure their strict observance of international human rights law and international humanitarian law;

11. *Reiterates* its appreciation for the humanitarian assistance already provided to members of the population affected by the crisis, and urges the international community to continue to deliver, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons, particularly in the north of Mali, with a view to facilitating access by the population to basic social services and to establishing the conditions for the gradual recovery of the country;

12. *Notes with satisfaction* the close cooperation of the Government of Mali with the Independent Expert in the fulfilment of the mandate entrusted to him;

13. *Welcomes* the organization of free and democratic presidential and legislative elections in Mali and the full restoration of constitutional order in the country;

14. *Acknowledges* the commitments made by the Government of Mali to act upon the recommendations made by the Independent Expert following his visits to the country;

15. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year, from the thirty-first to the thirty-fourth session, to permit the evaluation of the situation of human rights in Mali and to assist the Government of Mali in its efforts to promote and protect human rights and to strengthen the rule of law;

16. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him in carrying out his mandate;

17. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned, and with Malian civil society;

18. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its thirty-fourth session;

19. *Decides* to hold an interactive dialogue at its thirty-fourth session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the evolution of the situation of human rights in the country, with a particular focus on justice and reconciliation;

20. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

21. *Requests* the High Commissioner to provide technical assistance to the Government of Mali, in particular to the Commission for Truth, Justice and Reconciliation, and to work with the Government to identify other areas of assistance with a view to supporting Mali in its efforts to promote and protect human rights and to strengthening its institutional capacity;

22. *Urges* the international community to continue to provide assistance to Mali to ensure its stability with a view to promoting respect for all human rights and the determined struggle against impunity, which paves the way for national reconciliation, peace and social cohesion;

23. *Decides* to remain seized of this matter.

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[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 24 March 2016

31/29. Strengthening technical cooperation and advisory services for Guinea

The Human Rights Council, Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant instruments on human rights,

Recalling General Assembly resolution 60/251 of 15 March 2006, and Council resolutions 13/21 of 26 March 2010, 16/36 of 25 March 2011, 19/30 of 23 March 2012, 23/23 of 14 June 2013, 25/35 of 28 March 2014 and 28/33 of 27 March 2015,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments on human rights to which they are party,

Welcoming the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea,[1] in which he highlighted the progress made by the country in promoting and protecting human rights and fundamental freedoms and reforming the justice sector,

Noting with satisfaction the efforts made by Guinea and Guineans, with the support of the international community, particularly the African Union and the Economic Community of West African States, with regard to the establishment of democratic institutions and strengthening of the rule of law,

Welcoming the progress made by the Guinean authorities in consolidating the freedoms of opinion and expression,

Recalling the recommendations made by the Commission of Inquiry established by the Secretary-General and supported by the African Union and the Economic Community of West African States,

Recalling also that it is the first responsibility of the Government of Guinea to protect its population, to conduct investigations into allegations of violations and abuses of

[1] A/HRC/31/48.

human rights and violations of international humanitarian law and to bring those responsible to justice,

1. *Acknowledges* the efforts made by the Government of Guinea to strengthen the rule of law and to improve the situation of human rights in the country;

2. *Welcomes* the mainstreaming of human rights in the reform of the security sector;

3. *Encourages* the Guinean authorities to continue their efforts to mainstream human rights into all government policies and to bring national legislation fully into line with the international commitments of Guinea;

4. *Calls upon* the Guinean authorities to continue their efforts to consolidate freedom of peaceful assembly and association and freedom of expression, including freedom of the media and protection of journalists and media workers, and notes in this respect the establishment of the High Communications Authority;

5. *Welcomes* the start of the national consultation process for reconciliation, and calls upon the Guinean authorities to make the process of justice, truth and reconciliation fully operational;

6. *Strongly reaffirms* its commitment to accession to power through democratic channels, and condemns all incitement to ethnic and/or racial hatred;

7. *Welcomes* the holding in October 2015 of fair presidential elections, and calls upon the Government of Guinea to consolidate the democratic electoral framework, particularly in view of the upcoming municipal and local elections, in line with the inter-Guinean political agreement of 20 August 2015;

8. *Urges* all political actors to continue to engage actively and in good faith in the political dialogue, and to be actively involved in the process of national reconciliation;

9. *Encourages* the Government of Guinea to make operational the national commission for reflection and prevention created in 2013 to tackle the phenomenon of violence;

10. *Welcomes* the efforts made by the Government of Guinea within the framework of the reform of the security and defence forces, which includes respect for human rights and guarantees the exercise of civil and political rights, and calls upon the Government to continue the training of security forces in the field of human rights;

11. *Also welcomes* the progress made within the framework of the reform of the justice sector and the strengthening of the rule of law, including the establishment of the Supreme Judicial Council, the improvement in working conditions for judges, the creation of the Constitutional Court and the establishment of the Court of Auditors;

12. *Encourages* the Government of Guinea to adopt and to implement reforms to strengthen the administration of justice in order to combat impunity and to consolidate respect for human rights;

13. *Calls upon* the Government of Guinea to ensure that the national institution of human rights is established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

14. *Encourages* the Government of Guinea to continue its efforts in the fight against impunity, particularly court proceedings initiated with respect to alleged violence by security forces, including in 2007 and 2013;

15. *Urges* the Government of Guinea to take the following additional measures:

(*a*) To support the work of the panel of judges appointed to investigate the events of 28 September 2009 and to speed up judicial proceedings against those responsible for the violence, including acts of sexual violence committed against women and young girls;

(*b*) To ensure that the panel of judges is provided with the means and security conditions necessary to enable it to fulfil its mandate effectively;

(*c*) To ensure the organization and conduct of the trial relating to the events of 28 September 2009;

(*d*) To ensure the security and protection of witnesses and victims, and to provide them with appropriate assistance and reparation, including in the form of medical aid and psychological support;

(*e*) To compensate the families of victims who died as a result of the events of 28 September 2009, and to provide reparations to the injured for physical and psychological suffering inflicted upon them;

16. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Guinea;[1]

17. *Strongly reiterates* its call upon the international community:

(*a*) To provide the Government of Guinea with appropriate assistance to promote respect for human rights, the fight against impunity and reform of the security and justice sector, and ongoing initiatives to promote truth, justice and national reconciliation;

(*b*) To support the Office of the United Nations High Commissioner for Human Rights in Guinea;

18. *Invites* the High Commissioner to report to the Council at its thirty-fourth session on the evaluation of the situation of human rights and the activities of the Office of the High Commissioner in Guinea;

19. *Decides* to organize, at its thirty-fourth session, an interactive dialogue in the presence of all interested parties on the implementation of the present resolution, with particular emphasis on the fight against impunity;

20. *Also decides* to remain seized of this matter.

64th meeting
24 March 2016

[Adopted without a vote.]

United Nations

A/HRC/RES/31/30

General Assembly

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Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 24 March 2016

31/30. Effects of terrorism on the enjoyment of all human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international human rights instruments,

Recalling all relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning terrorism, including Assembly resolutions 46/51 of 9 December 1991, 60/158 of 16 December 2005, 60/288 of 8 September 2006, 64/297 of 8 September 2010, 66/10 of 18 November 2011 on the United Nations Counter-Terrorism Centre established on the initiative of the United Nations and Saudi Arabia, 68/178 of 18 December 2013, 68/276 of 13 June 2014, 69/127 of 10 December 2014 and 70/148 of 17 December 2015, Commission resolution 2004/44 of 19 April 2004, and Human Rights Council resolutions on terrorism and human rights, including 28/17 of 26 March 2015,

Reaffirming its commitment to the United Nations Global Counter-Terrorism Strategy and its four pillars, adopted by the General Assembly in its resolution 60/288,

Reaffirming also the right of the people to live in peace, freedom and security and their right to be protected at all times from the threat of terrorism,

Reaffirming further that everyone has the right to life, liberty and security of person,

Reaffirming that civil, political, economic, social and cultural rights are universal, indivisible, interdependent and interrelated, as enshrined in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recognizing that the objectives of countering terrorism and of the protection and promotion of human rights are not conflicting but complementary and mutually reinforcing,

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Reaffirming the fundamental importance of respecting all human rights and fundamental freedoms and the rule of law,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international human rights law and international humanitarian law, as applicable,

Taking note of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, submitted to the Human Rights Council at its twenty-ninth session,[1]

Welcoming the holding of a panel discussion on the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms at the twenty-ninth session of the Human Rights Council, and taking note of the summary report of the Office of the United Nations High Commissioner for Human Rights thereon,[2]

Renewing its unwavering commitment to strengthening international cooperation to prevent and combat terrorism in all its forms and manifestations,

Recognizing that international cooperation and any measures taken by Member States to prevent and combat terrorism must fully comply with their obligations under international law, including the Charter, in particular the purposes and principles thereof, and other relevant international conventions and protocols, in particular human rights law and international humanitarian law, as applicable,

Emphasizing that mutual respect, tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding are among the most important elements in promoting cooperation and success in preventing and combating terrorism, and welcoming the various initiatives to this end,

Reaffirming its strongest condemnation of the heinous acts of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of motivation, as criminal and unjustifiable acts that have detrimentally affected the enjoyment of human rights and fundamental freedoms, such as the right to life, liberty and security of person, thus impeding the full realization of economic, social and cultural rights, threatening the territorial integrity and security of States, rule of law and democracy, and destabilizing Governments, and ultimately representing a grave threat to the functioning of societies and to international peace and security,

Acknowledging the important contribution of measures taken at all levels against terrorism, consistent with international law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, and the need to continue the fight against terrorism, including through international cooperation and by strengthening the role of the United Nations in this respect,

Expressing its continuing concern at the increasing flow of foreign terrorist fighters and at the threat it poses to all States, including countries of origin, transit and destination, encouraging all States to address this threat by enhancing their cooperation and developing relevant measures to prevent and tackle this phenomenon, including information-sharing, border management to detect travel, and appropriate criminal justice response, and to consider the use of United Nations instruments and mechanisms, and sanctions regimes,

Reiterating that all States should fulfil their responsibilities in denying all forms of support, for terrorists and terrorist groups, particularly political, military logistical and

[1] A/HRC/29/51.
[2] A/HRC/30/64.

financial support, including through collecting funds by their nationals or persons in their territories, or availing financial assets, directly or indirectly, for the benefit of, or with the intention that the funds be used by, or with the knowledge that they are to be used by, terrorist groups or individual terrorists for any purpose, and deny providing safe haven and to prevent terrorists from benefiting directly or indirectly from ransom payments to terrorist groups, and to bring to justice or, where appropriate, extradite, on the basis of the principle of extradite or prosecute, the perpetrators of terrorist acts or any person who supports, facilitates or participates, or attempts to participate, in the financing, planning, preparation or perpetration of terrorist acts or in providing safe havens,

Welcoming political commitments, actions and initiatives taken and adopted against kidnapping for ransom in different forums, such as the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists,

Deeply concerned at the serious crimes committed by terrorist groups and individuals, including foreign terrorist fighters, that have targeted persons and groups on the basis of their ethnic and religious background and involved gross human rights abuses,

Deploring attacks on religious places and shrines and cultural sites, which may violate international law, in particular human rights and international humanitarian law, including any deliberate destruction of relics, monuments and religious sites,

Recalling its resolution 16/18 of 24 March 2011 and its follow-up resolutions, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief, and calling for their effective implementation by the international community in order to contribute to a more conducive environment to countering the messages of extremist groups attempting to justify violence, including through ethnic or religious stigmatization and discrimination,

Affirming States' determination to work towards conflict resolution, to confront oppression, to eradicate poverty, to promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and the rule of law, to improve intercultural understanding and to ensure respect for all,

1. *Strongly condemns* all terrorist acts as criminal and unjustifiable, and expresses grave concern at their detrimental effects on the enjoyment of human rights, including the right to life, liberty and security of person, as stipulated in article 3 of the Universal Declaration of Human Rights;

2. *Expresses its concern* that terrorists and terrorist groups have targeted population segments and regions, and in some cases on the basis of religion and/or ethnicity of specific individuals and communities;

3. *Reaffirms* the primary responsibility of States in preventing and countering terrorism in all its forms and manifestations in the territory under their jurisdiction, in full compliance with their international law obligations;

4. *Urges* States, while countering terrorism, to respect and protect all human rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of those rights;

5. *Expresses concern* at the increase in kidnapping and hostage-taking with demands for ransom and/or political concessions being made by terrorist groups, and expresses the need to address this issue;

6. *Reiterates* the obligation of States to prevent and suppress the financing of terrorist acts, including ransom payment, and to criminalize the wilful provision or

collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds be used, or with the knowledge that they are to be used, to carry out terrorist acts;

7. *Encourages* States to refrain from supporting terrorist groups in establishing propaganda platforms, such as electronic or satellite platforms or any other media, on their territory for disseminating hatred or instigation;

8. *Urges* States to take appropriate measures to duly investigate the incitement, preparation or commission of acts of terrorism, and to bring to justice those engaged in such acts in accordance with national criminal laws and procedures and international human rights law, as applicable;

9. *Also urges* States to adopt rehabilitation and reintegration strategies for returning foreign terrorist fighters, in line with the good practices set out in the Hague – Marrakech Memorandum of the Global Counterterrorism Forum, and to adopt a comprehensive approach that includes the development of national centres for counsel and de-radicalization that can play an important role along with criminal justice responses, and in this regard welcomes the role of the Mohamed bin Naif Counselling and Care Centre in countering terrorist ideologies and activities;

10. *Expresses its concern* at the increasing use, in a globalized society, by terrorists and their supporters of information and communications technology, in particular the Internet and other media, to advocate, commit, incite, recruit for, fund or plan terrorist acts, urges States to take appropriate preventive measures in this regard while acting in full compliance with their international law obligations, and emphasizes the importance of cooperation among stakeholders in the implementation of the United Nations Global Counter-Terrorism Strategy, including among States, international, regional and subregional organizations, the private sector and civil society, to address this issue, while respecting human rights and fundamental freedoms and complying with international law and the purposes and principles of the Charter of the United Nations, and reiterates that such technologies can be powerful tools in countering the spread of terrorism, including by promoting tolerance, mutual respect and dialogue and understanding among peoples and peace, and in this regard notes with appreciation the constructive role played by the Cyber Observatory of Takfiri Fatwas in Egypt;

11. *Renews* its commitment to strengthening international cooperation to prevent and counter terrorism in accordance with the principles of international law, including the Charter, international human rights law and international humanitarian law, including through technical cooperation and capacity-building, and in that regard calls upon States and relevant regional and subregional organizations, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars;

12. *Calls upon* all States to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs and cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society;

13. *Expresses its solidarity* with the victims of terrorism and their families, and acknowledges the importance of protecting their rights and of providing them with proper support and assistance, while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in such a way that promotes accountability and ends impunity, in accordance with international law, and encourages the enhancement of international cooperation and the exchange of expertise in that respect, in accordance with international law;

14. *Encourages* States to provide appropriate assistance and rehabilitation for victims of terrorism in accordance with relevant national laws from within available resources;

15. *Urges* States and the international community to take measures, including through education, awareness-raising, the media and human rights education and training, to effectively address the conditions conducive to the spread of terrorism and that make individuals and groups more vulnerable to the effects of terrorism and to recruitment by terrorists;

16. *Invites* all treaty bodies, special procedure mandate holders, international and regional human rights mechanisms and the United Nations High Commissioner for Human Rights, within their respective mandates, to pay due attention to the negative impact of terrorism on the enjoyment of all human rights and fundamental freedoms;

17. *Requests* the High Commissioner to prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, particularly the right to life, liberty and security of person, while paying particular attention to best practices and major challenges in this regard, and to present the report to the Human Rights Council at its thirty-fourth session.

64th meeting
24 March 2016

[Adopted by a recorded vote of 28 to 14, with 5 abstentions. The voting was as follows:

In favour:

Algeria, Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, El Salvador, Ethiopia, Ghana, India, Indonesia, Kenya, Maldives, Morocco, Nigeria, Paraguay, Philippines, Qatar, Russian Federation, Saudi Arabia, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of), Viet Nam

Against:

Albania, Belgium, France, Germany, Latvia, Mexico, Netherlands, Portugal, Republic of Korea, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland

Abstaining:

Georgia, Kyrgyzstan, Mongolia, Namibia, Panama]

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Agenda item 3

Resolution adopted by the Human Rights Council on 24 March 2016

31/31. Torture and other cruel, inhuman or degrading treatment or punishment: safeguards to prevent torture during police custody and pretrial detention

The Human Rights Council,

Recalling all resolutions on torture and other cruel, inhuman or degrading treatment or punishment adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Recognizing that law enforcement officials play a vital role in the protection of the right to life, liberty and security, as enshrined in the Universal Declaration of Human Rights and reaffirmed in the International Covenant on Civil and Political Rights,

Recognizing also the role of law enforcement officials in serving the community and protecting all persons against acts of torture and other cruel, inhuman or degrading treatment or punishment, consistent with the important role of their profession, and that, in the performance of their duty, law enforcement officials are obligated to respect and protect the human rights of all persons,

Recalling the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[1] and the adoption of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),[2]

Recalling also that accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication,

Recalling further article 11 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, according to which each State party shall keep under systematic review interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons subjected to any form of

[1] General Assembly resolution 65/229, annex.
[2] General Assembly resolution 70/175, annex.

arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture,

Mindful of existing principles, guidelines and standards relevant to interrogation, including the United Nations Code of Conduct for Law Enforcement Officials and the United Nations Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment, and also mindful of the Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, adopted by the African Commission on Human and Peoples' Rights, the Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, adopted by the Inter-American Commission on Human Rights, and the revised standards for law enforcement agencies, issued by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

1. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law punishable by appropriate penalties that take into account their grave nature, and calls upon States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

2. *Urges* all States that have not yet become a party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment to do so, and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority;

3. *Welcomes* the Convention against Torture Initiative, launched in March 2014 on the thirtieth anniversary of the adoption of the Convention, to achieve the universal ratification and improved implementation of the Convention by 2024, and related regional initiatives on the prevention and eradication of torture;

4. *Urges* States to adopt, implement and comply fully with legal and procedural safeguards against torture and other cruel, inhuman or degrading treatment or punishment, and to ensure that the judiciary, and where relevant the prosecution, can effectively ensure compliance with such safeguards;

5. *Stresses* that effective legal and procedural safeguards for the prevention of torture and other cruel, inhuman or degrading treatment or punishment include ensuring that any individual arrested or detained on a criminal charge is brought promptly before a judge or other independent judicial officer, and permitting prompt and regular medical care and legal counsel at any stage of detention and visits by family members;

6. *Also stresses* the obligation of States to ensure that anyone who is arrested is informed at the time of arrest of the reasons for the arrest, and is promptly informed of any charges against him or her in accessible forms of communication, including in a language that he or she understands, and be provided with information about and an explanation of his or her rights;

7. *Calls upon* States in the context of criminal proceedings to ensure access to lawyers from the outset of custody and during all interrogations and judicial proceedings, and timely access of lawyers to appropriate information to enable them to provide effective legal assistance to their clients;

8. *Encourages* States to ensure that a proper and consented medical examination by a medical practitioner is available to persons in police custody and pretrial detention as promptly as possible after their admission to the place of detention, and to ensure that the results of every examination and relevant statements by the detainee and the medical

practitioner's conclusions are duly recorded and made available to the detainee in accordance with relevant rules of domestic law;

9. *Also encourages* States to ensure the compilation and maintenance of up-to-date official registers and/or records of persons in police custody or pretrial detention, which, as a minimum, contain information about (a) the reasons for the arrest; (b) the time of the arrest and the taking of the arrested person to a place of custody, as well as that of his or her first appearance before a judicial or other authority; (c) the identity of the law enforcement officials concerned; (d) precise information concerning the place of custody; and to communicate such records to the detained person or his or her counsel, as prescribed by law;

10. *Stresses* the importance of developing corroborating methods of crime investigation to eliminate or reduce sole reliance on confessions for the purpose of securing convictions, and the importance of seeking corroborative evidence through all available modern, scientific methods of crime investigation, including through appropriate investment in equipment, skilled human resources and international cooperation on capacity-building;

11. *Also stresses* the importance of keeping under systematic review interrogation rules, instructions, methods and practices, and of developing domestic guidelines on how to conduct interrogations with a view to preventing any cases of torture and other cruel, inhuman or degrading treatment or punishment;

12. *Urges* States, during reviews of domestic interrogation rules, instructions, methods and practices to ensure that they observe their international obligations, that safeguards against torture and other cruel, inhuman or degrading treatment or punishment are in place, and that during such reviews they are mindful of the particular importance of safeguards, to ensure that:

(*a*) The physical environment and conditions during interrogation are humane;

(*b*) The length of interrogation sessions are in accordance with obligations under international human rights law, including the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(*c*) Interrogated persons are not subjected to coercive methods of interrogation that impair their capacity of decision or their judgement, or forces them to confess, incriminate themselves or testify against any other person;

(*d*) All persons during police custody and pretrial detention subjected to interrogation are afforded the right to the presence and assistance of a lawyer and, if necessary, the presence and services of a properly qualified interpreter during interrogation sessions;

(*e*) Records of interrogation sessions during police custody and pretrial detention, including their duration and the intervals between sessions, and the identity of the law enforcement official who conduct the interrogations and other persons present are kept accurately, and that such records are stored safely;

(*f*) Rules are in place to obligate law enforcement officials to report instances of torture or other cruel, inhuman or degrading treatment or punishment to their superior authorities, with appropriate sanctions for non-reporting, and, where necessary, that independent organs are vested with reviewing or remedial power;

(*g*) Consideration is given at all times to the personal circumstances of the interrogated person;

13. *Stresses* that States must ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, urges States to extend that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

14. *Calls upon* States to include education and information regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment in the training of law enforcement personnel, which may include training on, inter alia, the use of force and all available modern scientific methods for crime investigation and the critical importance of reporting instances of torture or other cruel, inhuman or degrading treatment or punishment to superior authorities;

15. *Emphasizes* that it is important, for the ability of law enforcement officials to play their role in safeguarding the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, that States ensure the proper functioning of the criminal justice system, particularly by taking effective measures for combating corruption, establishing proper legal aid programmes and providing adequate selection, training and remuneration of law enforcement officials;

16. *Stresses* that inspections of places of police custody and pretrial detention by an independent authority contribute to the prevention of torture and other cruel, inhuman or degrading treatment or punishment, and that, to be fully effective, such visits should be regular and able to be made unannounced, and the authority should be empowered to examine all issues related to the treatment of persons in police custody and pretrial detention and to interview detained persons in full confidentiality, subject to reasonable conditions to ensure security and good order in such places;

17. *Emphasizes* that States are obligated to ensure that any person who alleges to have been subjected to torture or other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction has the right to complain to the competent authorities, and that steps are taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his or her complaint or any evidence given;

18. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, and wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, instigate, order, tolerate, acquiesce in, consent to or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including officials in charge of any place of detention or other place where persons are deprived of their liberty where the prohibited act is found to have been committed;

19. *Invites* the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other relevant special procedures, within their respective mandates, to take the present resolution into account in their future work;

20. *Takes note* of the latest report[3] of the Special Rapporteur;

21. *Requests* the Office of the United Nations High Commissioner of Human Rights to convene, in 2017, an intersessional, full-day open-ended seminar, with

[3] A/HRC/31/57.

interpretation in the six official languages of the United Nations, with the objective of exchanging national experiences and practices on the implementation of effective safeguards to prevent torture and other cruel, inhuman or degrading treatment or punishment during police custody and pretrial detention;

22. *Also requests* the Office of the High Commissioner to prepare a summary report of the above-mentioned seminar, and to submit the report to the Human Rights Council at its thirty-seventh session.

64th meeting
24 March 2016

[Adopted without a vote.]